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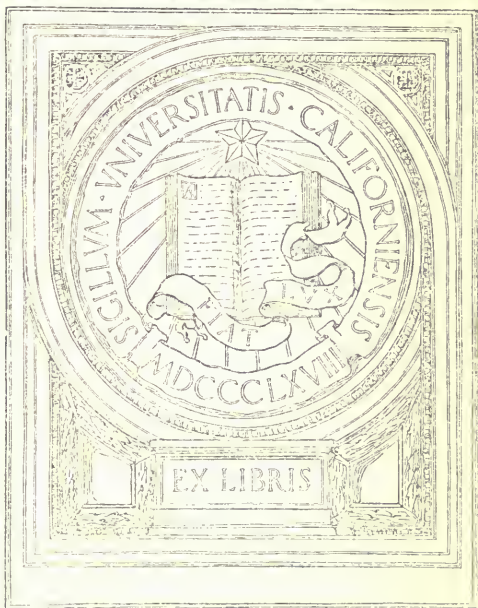


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A
VINDICATION
OF THE
CONDUCT and PRINCIPLES
OF THE PRINTER OF
The Newark Herald;
AN APPEAL
TO THE
JUSTICE OF THE PEOPLE OF ENGLAND,
ON THE RESULT OF TWO RECENT
AND
EXTRAORDINARY PROSECUTIONS
FOR LIBELS.

WITH AN APPENDIX.

By DANIEL HOLT,
PRINTER OF THE NEWARK HERALD.

FORBIDDEN WRITINGS ARE GENERALLY THOUGHT TO BE CERTAIN SPARKS OF TRUTH, THAT FLY UP IN THE FACES OF THOSE WHO SEEK TO TREAD THEM DOWN.

Lord Bacon.

Newark;

PRINTED AND SOLD BY THE AUTHOR;
SOLD ALSO BY SUTTON, NOTTINGHAM: GALES, SHEFFIELD;
H. D. SYMONDS, PATERNOSTER ROW; J. RIDGWAY,
YORK-STREET; D. I. EATON, NEW GATE
STREET; AND B. CROSBY, STATIONER'S COURT, LONDON.

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TO THE PUBLIC.



THE Writer of the ensuing pages, wishes to deprecate the severity of Criticism, should Criticism ever be exercised on a production so much beneath its attention. Conscious that it abounds in grammatical and other errors, he wishes to excuse faults of such magnitude, by saying, that his object has been not so much "to write a book," as to vindicate his character from those aspersions which the malevolence of some, and the interest and ignorance of others, have endeavoured to cast upon it.—Dragged by his numerous enemies from that happy obscurity in which he lived; forced from that "divine oblivion of low thoughted care," in which he passed his days, he has been unwillingly obliged to commence Author "in his own despite" As he sins in this instance against his own inclination, he hopes his transgressions against literary propriety will be forgiven him.

Pursued as he has been by the furious, unceasing, and vindictive malice of a numerous herd of associated political assassins, and doomed to an almost unexampled imprisonment, by the unrelenting hand of legal

severity, he throws himself upon the humanity, benevolence, and candour of the British Nation, as the last and only tribunal to which he can appeal, and from which he fully expects impartiality, justice, and protection. To no other power can he now address himself, and to that power he trusts no apology is necessary for bringing his singular and unparalleled case before them ; for “ The case of an individual becomes a matter of public appeal, and deserves to excite universal anxiety and alarm, whenever it is marked by injustice and oppression. The people are loudly called on to oppose every act of individual tyranny, exercised against the common rights and liberties of the subject ; otherwise, they may be assured it will be eagerly seized as a precedent by those in power, and, once established, may eventually terminate in the total annihilation of every thing most dear which our ancestors bequeathed us.”*

* *Case of CHARLES PICOTT*, 8vo. EATON, 1793.

THE KING

AGAINST

DANIEL HOLT.

INFORMATION.

Nottinghamshire, } BE it remembered that Sir Archibald
to wit. } Macdonald, Knight, Attorney General of our present Sovereign Lord the King, who for our said Lord the King in this behalf prosecutes in his own proper person comes here into the Court of our said Lord the King, before the King himself, at Westminster, on Wednesday next after the octave of Saint Hilary, in this same term, and for our said Lord the King, giveth the Court here to understand and be informed, that DANIEL HOLT, late of NEWARK-UPON-TRENT in the County of Nottingham, Printer, being a *wicked, malicious, seditious*, and *ill disposed* person, and being *greatly disaffected* to our said Lord the King, and to the Constitution and Government of this kingdom, and *wickedly, maliciously*, and *seditiously, designing, contriving*, and *intending* to disturb the peace and tranquility of our said Lord the King, and of this kingdom, and to *scandalize, defame*, and *vilify* his said Majesty's Government and the Parliament and Statutes of this kingdom, and the Representatives of the People of this kingdom in the Parliament thereof, and to bring them respectively into *hatred and contempt* with his Majesty's subjects, and to represent

and cause it to be believed by his said Majesty's subjects that their said Representatives in Parliament were *corrupt and profligate*, and *betrayed their Rights and Interests*, and to *excite and stir up discontent*, and *sedition* amongst his said Majesty's subjects, on the First day of January, in the Thirty Third year of the reign of our said Lord the now King, at Newark-upon-Trent, in the said county of Nottingham, to *complete, perfect, and bring to effect* his said wicked contrivances and intentions, *wickedly, maliciously, and seditiously* did print and publish and caused to be printed and published in the form of an Address to the Tradesmen, Mechanics, Labourers and other Inhabitants of the Town of Newark aforesaid on a Parliamentary Reform, a certain *wicked, scandalous, and seditious* Libel (amongst other things) of and concerning his said Majesty's Government and the administration thereof, and of and concerning the Parliament and Statutes of this Kingdom, and of and concerning the Representatives of the People of this kingdom in the Parliament thereof, in one part of the said Libel according to the tenor and effect following: That is to say,

“ 6. If the present inequality of representation [*meaning representation in the parliament of this kingdom*] and length of Parliaments [*meaning the Parliaments of this kingdom*] be the causes of Parliamentary Corruption, as they undoubtedly are, [*meaning that the present Parliament of this kingdom as to the Representatives of the People in the Parliament, was undoubtedly corrupt*] we must remove the causes before the effect will cease.

“ 7. By a corrupt Parliament is meant that, which instead of being a shield against unnecessary taxation, is “ the hired instrument whereby the nation” [*meaning this kingdom*] “ is pillaged, that which instead of proving a “ check upon the Crown” [*meaning the Crown of this*

kingdom] “when disposed to engage in unnecessary and
 “ruinous wars, is the bribed tool by which the nation”
 [meaning *this kingdom*] “was first gulled into an approba-
 “tion of war, and afterwards drained of its blood and
 “treasures to carry it on:—And again, uniform experi-
 “ence teaches us that wherever Parliaments” [meaning
the Parliament of this kingdom] “are under an undue in-
 “fluence from the crown,” [meaning *the Crown of this*
kingdom] “they are ever ready to betray the most sacred
 “Rights of the People.” [meaning *the subjects of this king-*
dom.] “Suffice it at present to recall to your recollection
 “a few instances only. In the reign of Henry VIII.
 [meaning *Henry VIII. heretofore King of England*] “par-
 “liament” [meaning *the then Parliament of this kingdom*]
 “enacted that the King’s proclamation should have the
 “force of law: in the reign of William III.” [meaning
William III heretofore King of England] “they made a pre-
 “cedent for suspending by statute the benefit of the Habeas
 “Corpus; and it has since been several times practised:
 “in the reign of George I.” [meaning *George I. hereto-*
fore King of Great Britain] “by means of the statute vul-
 “garly called the Riot Act, all the constitutional means
 “of giving support to the civil Magistrate were supplant-
 “ed in favour of the practice of calling out the standing
 “army. That Government” [meaning *the Government of*
this kingdom] “which cannot preserve its authority with-
 “out such an instrument, deserves not the name of go-
 “vernment; and that country,” [meaning *this kingdom*]
 “in which it is an ordinary practice to support the exe-
 “cution of its laws by a standing army, is not a free coun-
 “try. But the deadliest wounds that Freedom ever re-
 “ceived from parliament,” [meaning *the Parliament of this*
kingdom] “were those which have been given it by the

“disfranchising statute of Henry VI.” [*meaning Henry VI. heretofore King of England*] “the triennial act of William III. [*meaning William III. heretofore King of England*] “and the septennial act of George I. [*meaning George I. heretofore King of Great Britain*] “for by the joint operation of those three statutes the very foundation of the Constitution” [*meaning the Constitution of this kingdom*] “are removed. Those statutes not only defraud the nation [*meaning this kingdom*] “of six parts in seven both of its election and its representation, but they have effectually vitiated the remaining seventh.

“8. Parliaments chosen as they now are, and continuing for seven years as they now do, will ever be composed, for the most part, of a few factions, under the guidance of particular noblemen, perpetually contending for the power and emoluments of office. The common soldiery of these several factions, like that of all other standing armies, is made up of mercenaries from the most idle and profligate orders of the community. Who so idle as men of pleasure, and the vicious part of our nobility and gentry? Who so profligate as murdering nabobs, prostitute lawyers, and unprincipled adventurers, who through the iniquity of corrupt elections make their way into parliament, [*meaning the parliament of this kingdom*] “and there let out their tongues and their votes for hire?” And in another part thereof according to the tenor and effect following: (to wit.)

“19. A moment’s reflection will convince any candid man, that in such elections” [*meaning the elections of representatives to serve in the Parliament of this kingdom*] “annually repeated, there could be no such thing as bribery; and if a ballot were added, all undue influence of wealth or authority would be guarded against. Bri-

“bribery and threats out of the question, who could have an
 “interest or temptation to promote any licentiousness?
 “It has already been shewn also that in parliaments” [*meaning the parliaments of this kingdom*] “so elected, and so
 “dependent on the esteem and confidence, and power of
 “the people,” [*meaning the subjects of this kingdom*] “it
 “would be as impossible for a minister” [*meaning the Minister of our said Lord the King employed in the administration of his Government*] “to obtain support by corruption
 “as now it is impossible to find support” [*meaning support from the Parliament of this kingdom*] “without corruption.

“20, But a Minister, [*meaning such Minister as aforesaid*] “it is said cannot carry on the Business of the Nation” [*meaning this Kingdom*] “without a majority.
 “This is held to be an axiom in politics, and so it is.
 “No maxim is more true. But it is equally true that
 “in Parliaments chosen as ours [*meaning the Parliament of this Kingdom*] “now are, that Majority must be had
 “by means of Faction and Bribery; in a reformed Parliament it must be gained by rectitude of Measures alone;”
 In contempt of our said Lord the King, in open violation of his Law, to the evil and pernicious Example of all others in the like Case offending, and against the peace of our said Lord the King, his Crown and Dignity. Whereupon the said Attorney General of our said Lord the King, who for our said Lord the King in this behalf prosecutes for our said Lord the King, prayeth, the consideration of the Court here in the premises, and that due process of Law may be awarded against him the said DANIEL HOLT in this behalf to make him Answer to our said Lord the King touching and concerning the Premises aforesaid.

“ Better it were to live under no law at all, and, by the maxims
 “ of cautious prudence, to conform ourselves, the best we can, to
 “ the arbitrary will of a MASTER ; than fancy we have a law on
 “ which we can rely, and find at last, that this law shall inflict a
 “ punishment precedent to the promulgation, and try us by maxims
 “ unheard of till the very moment of the prosecution. If I sail on
 “ the Thames, and split my vessel on an anchor ; in case there be
 “ no buoy to give warning, the party shall pay me damages : But
 “ if the anchor be marked out, then is the striking on it at my peril.
 “ Where is the mark set upon this crime ? Where the token by
 “ which I should discover it ? It has been concealed, under water ;
 “ and no human prudence, no human innocence, could save me
 “ from the destruction with which I am at present threatened ! ”*

* *Speech of LORD STRAFFORD. HOME Hist. Eng. 8vo. Edition,*
Vol. 6, page 404

A LETTER,

ADDRESSED TO THE

INHABITANTS OF NEWARK, &c.

FELLOW TOWNSMEN,

WHEN the iron arm of power has been lifted up to crush a defenceless, unprotected individual; when the *associated* malice of his enemies has endeavoured to blacken his character,—vilify his conduct,—misrepresent his principles,—destroy his domestic happiness,—and blast his prospects for ever; to his Countrymen he then has a right to appeal, and claim for himself that justice which has by such unworthy means been denied him. Indeed, it then becomes a duty which he owes to himself,—to his family,—to his friends,—and to the public in general; however obscure his situation in life may be; to come forward and openly refute calumnies of so gross a nature, and expose such injurious misrepresentations to the well-merited contempt and indignation of mankind.

Actuated by these motives, and desirous that my character should appear favorable in the eyes of the liberal part *only* of my Fellow-Townsmen, it is with peculiar

satisfaction that I now presume to address myself to your notice; confident that I shall obtain from you, what has hitherto been so successfully denied me:—*impartial justice*.—Experiencing at this moment a long imprisonment on account of my conduct and principles, it is with confidence that I now state to you what that conduct has been, and what those principles are, of which you have lately heard so much, and for which I have received so much malevolent abuse and *persecution* from the despicable political hirelings of the day. When you have candidly considered this statement;—when you have impartially examined the reasons of my conduct,—the validity of my opinions,—and the nature of my various *offences*; I am strongly persuaded that your justice will induce you to decide the cause in my favor, and place the *guilt*, where it *only* ought to rest—on the heads of my malicious accusers! In order to accomplish an object of such immediate consequence to myself, as the vindication of my own character, I shall now proceed to lay the ensuing narrative of facts before you, interspersed with such observations as spontaneously arose in my mind, from a dispassionate review of the different subjects, as they passed before me. If these observations are strong, and breathe a fervid spirit of Liberty and independence; if they are only the pure effusions of a mind conscious of its own rectitude, and perfectly free from those “foul crimes” laid to its charge, I trust even in *these days* they will need no apology.

In making this public address to you, my Fellow Townsmen, I afford my numerous enemies a fair opportunity of vindicating their proceedings, and of combating my arguments and assertions. I challenge their refutation. If they *can* defend and *justify* a mode of conduct so palpably partial and iniquitous, as that which they

have so recently and virulently adopted against me, they will be glad of this opportunity of submitting their reasons to the investigation of the public, and of course cheerfully accept the challenge. If, on the contrary, they decline taking up the gauntlet, and *tacitly* leave me master of the field, I shall think myself entitled to the honor of the victory, and claim it accordingly. In either case, it will remain with you, to decide between us.

Persuaded that I am now addressing not only an impartial, but a liberal tribunal; and that I am pleading the cause of LIBERTY, TRUTH, and JUSTICE, against *tyranny, falsehood, and malice*; I hasten to submit my defence to your examination, and in the mean time await your decision with the firmness and composure of a man, assured of having performed only what he has all along conscientiously conceived to be his duty;—the duty of a PRINTER, and an ENGLISHMAN

Soon after the institution of the “*Newark Association, for the support of the Constitution*,” a member of the committee called on me as a friend, and acquainted me, that the *Association* had it in contemplation to *inform* against all those who published writings of a *sedition* tendency; and requested me to take out of my shop window, several publications which he apprehended they in their *wisdom* might deem either *sedition* or *improper*. Knowing that I had no publications exposed to sale, that were *then* pronounced either *libellous* or *sedition*, by the *laws* of my country; and warmed at the bare supposition that I should be thought capable of selling any book of that description, *knowing it to be so*, I answered him, I believe, nearly in the following words: “That I was highly sensible of this

mark of his friendship, and conceived myself much obliged to him for taking the trouble to inform me of the intention of the *Affociation*, previous to their putting it into execution; but, at the same time, I begged leave to say, that as the publications to which he alluded had not yet been *legally* pronounced Libels by a *jury* of my Fellow Citizens, or even noticed as such by the ATTORNEY GENERAL in *London*, where they were originally and avowedly published; I could not, nor would not consent to take them out of the window, or prevent their being publicly sold in my shop, to gratify the tyrannic wishes of a set of men who certainly had no *legal* authority to interfere in the business. To comply with the requisitions of the *Affociation* in this, or in any other instance, where the obnoxious writings were not specifically mentioned, would be to strike at the very root of my business; for how was I to ascertain what were, and what were not Libels, previous to their being so found by the verdict of a Jury? What was I to sell, or what was I to refuse selling? Where was I to draw the line? I observed, that far from being the *wilful, seditious, disaffected* person the *Affociation* wished to have the public believe, and which they *affected* to believe themselves; I refused to sell *both* parts of MR. PAINE'S *Rights of Man*, tho' the verdict then only applied to the second, as soon as I knew it to be adjudged a Libel. Did this conduct wear the appearance of *disaffection*? With respect to the unwarrantable suspicions of my principles and views, implied in this intended interference of the *Affociation*, they merited no other refutation, than indignant contempt.—After some observations on the prejudicial and despotic tendency, of the interference of the *Affociation* in the sale of political pamphlets, and in the *internal regulation* of my business; I concluded by declaring, that, from several *private cir-*

cumstances, I was well convinced it was not a love of public justice that actuated the Association in their proceedings against me, but a diabolical spirit of party revenge,* and a desire to wound thro' me the *local* Liberty of the Press, that induced them to take the present steps; but I assured him in the accomplishment of these objects they would *eventually* find themselves mistaken and disappointed, as I was determined not to swerve from my duty as a man and a Printer, thro' the apprehension of any personal danger, nor was I to be intimidated by the pitiful *threats* of *associated placemen* and *pensioners*.—The Freedom of the Press was attacked, and I felt it my duty as well as my inclination, as a PRINTER, to defend and support it, as far as my individual† exertions could extend. In those times of *false alarm*, and *pretended danger*, it became every true friend to his country to be at his post. *This* I conceived to be mine, and here they would ever find me.”—— Here this gentleman left me, but not without first acquiescing in the propriety of my remarks, and expressing his approbation of my conduct.—I have been thus particular

* The public will scarcely believe, that nothing less than my total ruin was the avowed object of my enemies. The fact is notorious in Newark: and this object of the various prosecutions commenced against me, has been openly and unblushingly avowed by some men, in several private and public companies.—I mean not to charge every member of the Association with this infamous intention. This charge would be both false and unjust, as several gentlemen, tho' their names then stood in the list, not only declined all participation in my prosecutions, but also expressed their decided disapprobation of the measure. My strictures, of course, apply not to them.—*Those whom the cap fits, may wear it.*

† “ Every good man owes it to his country, and to his own character, to lift his voice against a ruinous war, an unequal tax, or an edict of persecution: and to oppose them, temperately, but firmly, by all the means in his power; and indeed this is the only way reformation can ever be brought about, or that government can enjoy the advantage of general opinion.” — *Sins of the Government, Sins of the Nation*, page 36, 37. 3d Edit.

in relating the circumstances of this interview, as the subsequent proceedings of the Association were manifestly regulated by it.

From the moment this gentleman left me, I foresaw what would happen; and expected, as a matter of course, an application from the Association to the ATTORNEY GENERAL, to file an Information against me, for my *outrageous* and *seditionous* conduct. This gentleman's report to the Association I knew would be just, and I also knew that report would only exasperate men embarked in such a worthless cause, as becoming *spies* over the professional conduct of those who were perhaps more disinterested, or more patriotic, than themselves. I therefore expected the further attention of this *august, infallible* body, of these *self-created guardians*, and *elucidators* of the Constitution. Accordingly, a few days after, I received a copy of the following resolutions, addressed to me by a short letter from their *sapient* Secretary, an *Attorney!**

* It is perhaps worthy of remark, that at the head of all these Place and Pension Clubs, we usually find a *few disinterested* Attornies! The reason is obvious. Were a Reform in Parliament to take place, a simplification of the Laws, among other beneficial things, would be the consequence. If the Laws were made more intelligible, less expensive, or brought into a narrower compass, Attornies, of course would be less necessary, and a very great reduction in the number of those Locusts would be the immediate consequence.—This being the case, there is no wonder that Attornies with other such like disinterested characters, associating to support that, which is productive of such innumerable blessings, to themselves. Men who are thus situated, and who have so much at stake, need no other incentive to hunt down the man who professes himself a friend to justice and reformation. In casting my eye upon the list of these worthies, I behold (without much astonishment, I must confess) those who are eager to pay their devotion to the powers that be, that they may obtain for themselves, or their relatives, some of “*the good things of this world.*”—Here is the reason why they are stepping officiously and malignantly forward on every occasion, to shew their hostility to a Reform of Parliament, and to the men who endeavour to accomplish it.

“ At a numerous meeting of the Committee of the NEWARK ASSOCIATION, held at the Town Hall, on Monday, the 24th of December, 1792,

“ It was resolved unanimously,

“ That this Committee will, in pursuance of the second resolution of the General Meeting, take every measure the law impowers them to publish the Authors, Publishers, and Distributers of all seditious writings.

“ That a number of copies of the Extracts from Judge Blackstone’s Commentaries, and other Writers on the subject of Treason, be printed and dispersed in this Town and Neighbourhood, and that a Reward of FIVE GUINEAS † be offered to any person who will discover the Author of any Treasonable Writing or Conduct, to be paid by this Association on conviction of the offender.”

These *arbitrary, foolish, officious, and impertinent* resolutions were calculated, not surely for the unambiguous, unequivocal, regulation of the conduct of the Bookfellers, in retailing their *wares* to the public. No identical publication whatever was mentioned; nothing particular,—nothing specific,—nothing clear was ascertained. The Bookfeller, left to explore his way through that intricate labyrinth, the “*glorious uncertainty of the law*,” was placed in a situation, where the greatest abilities, the most vigorous understanding, and the most profound knowledge of the laws, would be of no avail. What was thought *innocent* in one place, might, as the *malice and conceptions* of

† Perhaps it may not be altogether unentertaining to inform the Reader, that these *loyal* men raised a *small* Fund for the *laudable* purpose of *persevering* their *neighbours*. Unfortunately this money was lodged in the hands of a person who soon afterwards became a *Bankrupt*, a circumstance which it is much feared will totally check that career of *Loyalty* which commenced so *gloriously*.—They must now be content to pursue *smaller game* than *seditious, audacious, impertinent* PRINTERS, who impudently persist in avowing their attachment to the *wicked* Cause of *Reformation*, in defiance of *penfoned Associations*, whose ill-concealed alarm furnish them, with perpetual subjects of *ridicule and laughter*.—In future all *prosecutions*, undertaken by this body of *political spies*, must be at the rate of a *DIVIDEND* of *so much in the Pound*!!!

the Associators prevailed, be deemed “ a false, scandalous, and seditious Libel,” in another. This has really been the case.—Had these sapient expounders of the laws, (for they profess to understand the Constitution better than their neighbours) thought fit to inform me what particular book^s they intended to designate by the vague, unmeaning term, “*seditious*,” I might perhaps, have been more guarded and circumspect in my conduct, had I been in the least inclined to follow their impertinent suggestions. But here I was as much in the dark as ever. I had no guide, no rule to go by. Except, indeed, they complimented me so far, as to suppose that my abilities were fully adequate to determine that *profound* and *mysterious* point; that point which it was recently declared in the House of Lords, JUDGES * alone were capable of deciding; viz. what *is*, and what *is not* a Libel!—Did these *enlightened* Associators imagine that I was so peculiarly favored by nature and education, as to possess all those qualities of the mind, which so rarely meet together in one person; those qualities which constitute a sound Lawyer, an enlightened Politician, and a liberal Critic? Or rather in the plenitude of their zeal to *promote* my *pecuniary interest*, did they not intend me to have kept a BARRISTER in my house, whose advice and opinions I might always have had at a very *trifling expence*!—But I beg their pardon for doing them so much injustice. I know them better, than to suppose for a moment, that any other than premeditated ambiguity was their object. Their “ Resolutions ” were studiously and intentionally involved in obscurity, otherwise they would have been more intelligible and less equivocal.—Had their object been *pre-*

* See Debate on the Libel Bill—8vo. Printed for Johnson. Also Lord Stanhope's *Rights of Juries*,—8vo.

vention, instead of *wilful perplexity* ; they would undoubtedly have granted me a *licence*, under their *sign manual*, for the sale of *some* political productions, and have placed the following inscription over my door : “ POLITICAL PAMPHLETS, OF THE RIGHT SORT, SOLD HERE, BY AUTHORITY OF THE NEWARK ASSOCIATION.” Had this step been taken, and in *neighbourly kindness* to me, it ought to have been taken ; my prosecutions would have never seen the light, or disgraced the country ; and the “ *Swinish multitude* ” would have been successfully prevented from wallowing in the mire of *seditious reformation* !—To be serious.

Setting aside the tyranny and illegality of this arrogant interference of one tradesman in the business of another, let us my fellow Citizens, trace the probable consequences which would have resulted to myself, had I submitted to the arbitrary and despotic mandates of the Association.—I received from my bookseller in London, a parcel of books and pamphlets, of all descriptions, for my customers in the Country. All these different publications, prior to their being sent to me, have been, perhaps, publicly advertised in all the London newspapers, recommended by all the reviews, and sold by almost all the Booksellers in the nation. But before I could use the common *privilege* of sending them home to their respective owners, or expose them in my shop window for sale, it seems necessary that the Association’s approbation of their contents should be previously gained ;—that their associated *wisdom* should pronounce them to be Libels or not ; and, if after a *minute* and *rigid* scrutiny, they were found to be of the *right sort*, then they, as a body of *political Excisemen*, should grant me a *permit* for their sale ! Behold the unavoidable consequences of such proceedings,—nine out of ten of my cus-

tomers would be disappointed and dissatisfied ; my shop deserted,—my business ruined,—and these enlightened gentlemen no more troubled with the grating patriotism of the PRINTER of the NEWARK HERALD.—Here, without violating the rules of christian charity, without doing the least injustice to their *principles*, their views, and their endeavours, is the precise point at which they wish to arrive. It is not for the support of the Constitution that they are associated ; it is not to guard the rights of the people, and counteract the “ specious pretences of republicans and levellers,” that they have united themselves together ;—no ;—it is to aid the expiring cause of corruption ; to impede the progress of free inquiry ; to retard the advancement of political knowledge ; to destroy the Liberty of the Press in their neighbourhood ; and to vilify the character, and ruin the interest of the poor, obnoxious Printer of the Newark Herald. These are the *praise-worthy*, the *virtuous* objects which they have so laudably associated to obtain ; but alas ! their efforts have hitherto been ineffectual. They have done me the honor to hold me up to an indignant people, as a persecuted and singular object of ministerial vengeance, it is true ; but my principles and my sentiments are still the same ; my *reason* is still unconvinced ; my desire to see a reformation, remains still unsubdued ; my NEWSPAPER, (for that is the *real object* at which all the artillery of persecution has been directed,) is still vigorously alive ; my business, thro’ the kindness of the public, still flourishes ; and I have the pleasing satisfaction of informing these worthy gentlemen, that their favorite object, *my ruin*, is still as far off as ever.

Nothing can be more odious and tyrannical, or more deserving of public reprehension, than the officious interference of one tradesman in the business of another ; and yet, wherever the loyal attention of all these *place and*

pension clubs has been directed, it has been the case. All the numerous Associations have been composed, for the most part, of *interested men*, and *weak, ignorant, time-serving, dependent tradesmen*. What would some of these politicians have said, or done, had I been impudent or foolish enough to have addressed a letter to them, in the form of *resolutions*, commanding them as *tallow-chandlers*, not to sell *candles*;—as *grocers*, not to sell *sugar* and *plumbs*;—as *roper*s, not to sell *halters*;—as *apothecaries*, not to *tamper* with their *patients*;—or as *attornies*, not to *fleece the pockets of their clients*.—I suppose they would have treated such letter with deserved contempt and indignation, especially the last mentioned class of *alarmists*. And yet, behold, associated *Ropers, Grocers, &c. &c.* have had the *modest* assurance to interfere in the internal management of my business, and have exerted themselves to prevent me subsisting by my own profession!! “This was a bold stroke, and struck like men!”—Not *one pound*; no; not even one poor *half ounce* of sedition would these loyal men permit to be cast into the trough of the “*swinish multitude*!” To see *such men*, so engaged, is most truly and laughably ridiculous:

“Let those laugh now who never laugh’d before;

“And those who always laugh’d, now laugh the more.”

Acting in the well assumed and ridiculous capacity, of *literary purveyors* for the public; it is not difficult to foresee, from the books the Association have already recommended to the *serious* perusal of their fellow citizens, what publications I should have been permitted to sell. The “*swinish multitude*” unquestionably would have made a most rapid progress in the science of legislation, by carefully studying those works which came sanctioned by the weight of such a body, possessing such astonishing

political knowledge and such transcendant abilities ! By reading those truly excellent productions on the science of Government ; entitled “ *A few plain Questions ;*” “ *Thomas Bull to his Brother John ;*” “ *Two-pennyworth of Truth for a penny ;*” * &c. &c. &c. the minds of the lower classes would have been most surprisingly enlightened, perhaps to such a superlative degree, that, in their laudable zeal for Church and King, they would have deemed it highly meritorious to *cut the throats* † of their unfortunate neighbours who had the *audacity* to differ from them either in religion or politics !

Had the Association been influenced by a love of public justice alone, independent of all *party* and all *personal* considerations ; their end would have been more generally, more effectually, and more justly answered, had they applied for a prosecution against the *author* or the *primary publisher* of the “ *Addresses to the Addressers.*” A verdict obtained against either, would have completely prevented all

* Pamphlets printed and dispersed by the different Associations.—In one of these loyal productions it is asserted, that it signifies little by whom or by what means Parliaments are chosen !!! As I write this in Prison, at a distance from my books, I cannot precisely point out the name of the pamphlet which contains this libellous, unconstitutional assertion ; but, if my memory serves me aright, the reader will find it, in “ *A few plain Questions,*” with a multitude of political doctrines of the same kind.

† In one of the above mentioned pamphlets this abominable, detestable doctrine was really inculcated !—In the last Session of Parliament, a motion was made to prosecute the authors, &c.—See Parliamentary debates.—The manifest tendency of this constitutional pamphlet, was to excite the people to re-act the Birmingham Tragedy, and exterminate the Dissenters ! It *unluckily* did not succeed ! !—It is something remarkable, that at the very time I am glancing at the past conduct of these “ *Holy men of Birmingham ;*” these “ *Friends and Fellow Churchmen,*” are actually rioting afresh, and now *anxiously* endeavouring to destroy the property of each other !—See *Morning Chronicle*, October 25, 1793.

further sale of the work. This was the case with the verdict obtained against the "*Rights of Man*," The sale was immediately stopped. There would have been no necessity for prosecuting Booksellers in the country, had this step been taken with the "*Address to the Addressers*." Neither was there any justice in the prosecutions commenced against the country Booksellers, as the pamphlet had not then been legally pronounced a Libel, consequently they could not be guilty in selling a publication that was not then deemed criminal!—Surely in the eye of common sense and common justice, this ought to have been done. But this impartial, manly, and liberal mode of procedure was not the interest, or consistent with the *private* objects of the Association to adopt. Leaving the care of the metropolis to their worthy and *disinterested** coadjutor, MR. CHAIRMAN REEVES, it was their duty to watch the growth of provincial sedition, to nip in the bud the first appearance of anarchy and confusion, and strangle in their birth the well-founded complaints of the "swinish multitude." To accomplish objects like these, and with a view to exterminate at one blow all means of future *alarm* and *reformation*; and silence that *sedition* organ of popular *delusion*, the NEWARK HERALD, they fixed their choice on me to be the devoted victim on their altar of despotism, as a sacrifice to conciliate the affections of those beneficent men, from whose kindly influence they expected to receive some of the "good things of this world." Eager to crush their obnoxious antagonist, and desirous to prove themselves worthy of their *patrons*, no time was lost in procuring an Information against me. Accordingly I was soon honored with the notice of the Attorney General, *ex officio*, for publishing PAINE'S "*Address to the Addressers*," before it

* This *loyal* Gentleman only enjoys Places and Pensions under Government to the trifling amount of *some thousand pounds*, per Annum !!!

had been pronounced a Libel in London, or even 'the Author or primary publisher prosecuted for it !!!

When I first received notice of the information being filed against me for this *offence*, I could scarcely persuade myself that a *serious* prosecution was intended, as I certainly could not look upon that as a *crime*, which almost every Bookseller in the nation was then in the daily and hourly habit of doing in the way of business, and which had not then been declared in the least illegal. Every man of common sense would have drawn the same conclusion, but I *now* know that the dictates of common sense, and the verdicts of Jurymen, are sometimes two very different things. I had always supposed, that any publication which was deemed innocent in London, could not possibly be found criminal in the country. It seems I have been mistaken. The different latitudes of places I find, makes a wonderful difference in the nature of Libels and sedition. Yet, notwithstanding all this latitudinal logic, I cannot forbear thinking, that to travel one hundred and twenty-four miles from London, to punish a Bookseller in the country, for selling what was then sold in London with impunity, in the face of day, and under the nose of the Attorney General; is a very new, and a very singular method of enforcing the laws; of "administering equal justice to the poorest and the proudest," and of giving support to our most excellent Constitution!

This work of prosecution would have had more the appearance of justice and impartiality, had *every* Bookseller been prosecuted who had sold the popular but obnoxious writings of THOMAS PAINE. Had this been the case, I imagine not fifty would have escaped, as it is well known to every man in the trade, they were universally sold, in a greater or less degree, by every Bookseller in

the nation. Why they were not all prosecuted, is not for me to say. Want of evidence could not possibly be the occasion of it, as the Attorney General declared in the House of Commons, several months ago, that he had then filed *two hundred informations*, and behold scarcely a dozen have yet been brought to trial!!!

The Associators have frequently told us, my Fellow Townsmen, that they are the friends of justice, and the supporters of religion. I will relate the following anecdote, and then leave you to form your opinions of the *purity* of their religious and political principles.—The same day on which I sold the “*Address to the Addressers*,” a *Clergyman*, a member of the Association, and eager of promotion no doubt, came into my shop, and expressed a strong wish to purchase a copy of the “*Rights of Man*.” though the book had then been adjudged a Libel. This was told him, and also that it was not to be sold. Notwithstanding this, his desire to procure it was so urgent, that he offered any sum of money to obtain it! but the book was not to be sold.—Had he obtained the book, I am persuaded, from several concurring circumstances, he would immediately have informed against me for gratifying his wishes.—Was the conduct of this *reverend* gentleman, this friend to Church and King, consistent with his declaration as an associator, that he would “do all in his power to *discountenance* and *prevent* the sale of seditious publications”? Or was it consistent with his principles, as a *Clergyman*, “to tempt men to do evil”? Was it a meek and brotherly spirit that induced him to endeavour to ensnare me, that he might have had an opportunity, if possible, of accomplishing my ruin? Was this the spirit of the Gospel?—No! It was the spirit of *tythes*, of *pluralities*, of *meannefs*, *wickednefs*, and *malice*. It was “*atroubled spirit that*

prevailed not." Did he judge of my principles by his own, in supposing that a *bribe* would tempt me to act illegally? Certainly he could not wish me to do an act, which he would be ashamed to commit himself. The consequence of this *well intended* application, was a compliment to my integrity, and perhaps a bar to this reverend As sociator's immediate preferment.—Had he been successful, who knows but he might have been rewarded with a *Deanery* or a *Bishoprick*?

At the same time that I received notice of an Information being filed against me for selling the "*Address to the Addressers*," I also received notice of another Information being filed against me, for *reprinting* "*An Address to the Inhabitants of Leeds, Sheffield, Birmingham, Manchester, and other unrepresented Towns, on a Parliamentary Reform*," which was *first printed* in the year 1782. As this case is of the greatest magnitude and importance to Printers, and the public in general;—as it is likely to operate, if followed up, as a total annihilation of the Liberty of the Press; and as it has been attended with circumstances so peculiarly oppressive to me, I beg your indulgence, whilst I relate the particulars of this singular prosecution, pretty much at large.

In the year 1782, meetings were held and Societies formed in most of the "Counties and Cities," in the Kingdom, for the express and avowed purpose of obtaining a "Parliamentary Reformation."* From these several Societies delegates were appointed, who assembled in London, at the Thatched House Tavern.* The Delegates thus assembled consisted of most of the first characters of the age.

Thatched House Tavern, May 16, 1782.

* AT a numerous and respectable Meeting of Members of Parliament, friendly to a Constitutional Reformation, and of Members of several

To promote the objects of the different societies, several pamphlets and papers were written and distributed amongst the people, and also advertised in the public prints of the day. Amongst the rest of these productions, was the paper for which I have been prosecuted, and which was advertised at the time of its first publication in all the newspapers. Before these papers were given to

Committees of Counties and Cities,

PRESENT,

<i>The Duke of Richmond,</i>	<i>The Hon. William Pitt,</i>
<i>Lord Surry,</i>	<i>The Rev. Mr. Wyvill,</i>
<i>Lord Mahon,</i>	<i>Major Cartwright,</i>
<i>The Lord Mayor,</i>	<i>Mr. John Horne Tooke,</i>
<i>Sir Watkin Lewes,</i>	<i>Mr. Alderman Wilkes,</i>
<i>Mr. Duncombe,</i>	<i>Doctor Jebb,</i>
<i>Sir C. Wray,</i>	<i>Mr. Churchill,</i>
<i>Mr. B. Hollis,</i>	<i>Mr. Frost.</i>
<i>Mr. Withers,</i>	<i>&c. &c. &c.</i>

“ Resolved unanimously,

“ That the Motion of the Hon. WILLIAM PITT, on the 7th instant, for the appointment of a Committee of the House of Commons to enquire into the state of the Representation of the People of Great Britain, and to report the same to the House, and also what steps it might be necessary to take, having been defeated by a motion for the order of the day, it is become indispensibly necessary that application should be made to Parliament by petitions from the collective body of the people, in their respective districts requesting a substantial reformation of the Commons House of Parliament.

“ Resolved unanimously,

“ That this Meeting, considering that a general application by the collective body of the people to the House of Commons cannot be made before the close of the present Session, is of opinion that *the sense of the people should be taken at such time as may be convenient during this Summer, in order to lay their several Petitions before Parliament early in the next Session, when their proposals for a Parliamentary Reformation (without which neither the Liberty of the Nation can be preserved, nor the permanence of a safe and virtuous Administration can be secure) may receive that people's aid and sanction, which so momentous a question demands.*”

the public, I believe they were uniformly examined and approved by the Committee, which then consisted of the following persons :

Duke of Richmond.	Mr. J. Horne Tooke:
Lord Surrey, (<i>now</i>	Hon. William Pitt
<i>Duke of Norfolk</i>)	Rev. Mr. Wyvill.
Lord Mahon (<i>now</i>	Major Cartwright.
<i>Earl Stanhope</i>)	Mr. Ald. Wilkes.
Sir Cecil Wray.	Mr. Frost, &c. &c. &c.

You will please to recollect, that last year (1792) similar Societies, for similar purposes were formed in various parts of England. Several of these Societies had *reprinted, without the least alteration*, the paper in question. It had also found its way into that valuable, and spirited publication, the "PATRIOT." In the month of December 1792, the NOTTINGHAM POLITICAL SOCIETY, (who had previously done me the honor to appoint me their Printer) sent me an order to print an impression from the copy then sent, and which copy had been very recently reprinted by the Political Society at Sheffield. When this paper first came into my hands for the above purpose, I did not hesitate a moment in committing it to the press, knowing it to have originally come from the Society at the Thatched House Tavern, in the year 1782, of which MR. PITT, the *present prime minister of England*, the Duke of Richmond, now *Master General of the Ordnance*, &c. &c. were members; under the sanction of such high and respectable authority, *I then supposed*, it would have been downright madness in me to have refused to print it, or even to have entertained a momentary doubt upon the safety of the measure. I am persuaded there is not a Printer in England who would not have done the same. But I now know that what was right and innocent,

may even highly laudable in the year 1782, may *not* be equally so ten years afterwards. In fact, I am at this very instant experiencing an imprisonment of TWO YEARS, for printing a LIBEL which *originally* came out under the sanction, and with the public approbation of Mr. PITT. That this *unfortunate* paper, after ranging thro' the nation in a variety of forms, for TEN YEARS, with impunity; after having been reprinted by the Political Society at Sheffield, again in the "PATRIOT," and by various other Societies, should at last be prosecuted as a Libel, issuing from my press, in the year 1792, is an instance so singularly oppressive, as not easily to be paralleled in the whole history of *political persecution*.

In the month of July last, the Assizes were held at Nottingham, where, as a matter of course, my two prosecutions came on for trial, and, as another matter of course too, before a *Special Jury*.* The information for selling

* As the nature of forming SPECIAL JURIES is not generally understood, at least in the Country, I shall make no apology for introducing the following curious and interesting account of the manner in which they are selected, to the notice of my readers.—It is taken from the trial of JOHN HORNE TOOKE, Esq. for a Libel, in the year 1777.

"The Special Jury, says Mr. TOOKE, you may imagine are taken indifferently; and, as it may happen, from a book containing all the names of those who are liable to serve; I thought so when I read the Act of Parliament appointing the manner in which they should be taken: But when I came to attend to strike the Special Jury, a book with names was produced by the Sheriff's Officer; I made what I thought an unexceptionable proposal. I desired the Master of the Crown Office, (whom I do entirely acquit, and do not mean the slightest charge upon) I desired the Master of the Crown Office, that he would be pleased to take that book, open it where he would, begin where he would, at the top or at the bottom, and only take the first forty-eight names that came. I said I hoped that so fair a proposal the Solicitor of the Treasury could have nothing to object to. I was mistaken, he had something to object; he thought the

the "*Address to the Addressers*," was first tried. In the course of this trial, it incontestibly appeared, that this

not a fair way, (turning round to the Attorney General) there were Witnesses enough present, and I should surely be ashamed to misrepresent what eight or nine people were present at ; he thought that not a fair way: he thought and proposed as the fairest way, that two should be taken out of every leaf ; that I objected to, I called that picking and not striking the Jury. To what end or purpose does the law permit the parties to attend, if two are to be taken by the Master of the Crown Office out of every leaf ? Why then need I attend ? two may as well be picked in my absence, as in my presence ; I objected to that method ; the Master of the Crown Office did not seem to think that I had proposed any thing unreasonable : he began to take the names, but objected that he could not take the first forty-eight that came because they were not all Special Jury-men ; and that the names of common and special Jury-men were mixed together ; and that it would be a hard case that the party should pay the expence of a Special Jury, and not have one ; that they were expected to be persons of a superior rank to common Jury-men : I could have no objection to that, provided they were indifferently taken. I said, take then the first forty-eight Special Jury-men that come ; he seemed to me that he meant to do it ; he began, but as I looked over the book, I desired him to inform me how I should know whether he did take the first forty-eight Special Jury-men that came, or not ; and what mark, or description, or qualification there was in the book, to distinguish a special from a common Jury-man ? he told me, to my great surprise (and he said, he supposed I should wonder at it) that there was no rule by which he took them. Why then how can I judge ? you must go by some method, what is your method ? At last the method was this, that when he came to a man, a Woollen-Drapper, a Silver Smith, a Merchant (if Merchant was opposite to his name of course he was a special Jury-man,) but a Woollen-Drapper, a Silver-Smith, &c. he said that they were persons who were working Men of those Trades, and there were others in a situation of life fit to be taken. How then did he distinguish ? no otherwise than this : If he personally knew them to be men in reputable circumstances, he said he took them if he did not know them he passed them by, Now Gentlemen, what follows from this ?

But this is not all. The Sheriff's Officer stands by, the Solicitor of the Treasury, his Clerk, and so forth, and whilst the names are taken, if a name (for they know their distinction) if a name which they do not like, occurs and turns up, the Sheriffs Officer says, " O, Sir, he is dead." The Defendant, who does not know all the world, and cannot know all the

pamphlet was published by me long before it was proved to be a Libel in any court of judicature, and sold merely

names in that book, does not desire a dead man for his Jury-man. "Sir that man has retired," "That man does not any longer live where he did." "Sir, that man is too old." "Sir this man has failed and become a Bankrupt."—"Sir, this man will not attend." O (it is said very reasonably) "Let us have men that will attend, otherwise the purposes of a Special Jury is defeated." It seemed very extraordinary to me. I wrote down the names, and two of them which the officer objected to, I saved. "I begged them not to kill men thus without remorse, as they have done in America, merely because he understood them to be friends to Liberty, that it is very true, we shall see them alive again next week, and happy, but let them be alive to this cause." The first name I took notice of was Mr. SAINSBURY, a Tobacconist on Ludgate Hill. The Sheriff's Officer said, he had been dead seven months; that struck me. I am a snuff taker, and buy my snuff at his shop, therefore I knew Mr. Sainsbury was not so long dead: I asked him strictly, if he was sure Mr. Sainsbury was dead, and how long he had been dead. "Six or seven months." "Why I read his name to day, he must then be dead within a day or two. For I saw in the Newspapers that Mr. Sainsbury was appointed by the city of London, one of the Committee," (it happened to be the very same day) "to receive the toll of the Thames Navigation." and as the City of London does not often appoint dead men for these purposes, I concluded that the Sheriff's Officer was mistaken, and Mr. Sainsbury was permitted to be put down amongst you, Gentlemen, appointed for this special Jury.

Another Gentleman was Mr. TERRIT, the book said he lived, I think, in Puddle Dock, the Sheriff's Officer said "that Gentleman was retired, he was gone into the country, he did not live in town." It is true, he does (I am told) frequently go into the country, (for I enquired) His name was likewise admitted with some struggle. Now what followed? This dead man, and this retired man were both struck out by the Solicitor of the Treasury, the very men whom the Sheriff's Officer had killed and sent into the country were struck out, and not admitted to be of the Jury. Now Gentlemen, what does that look like? There were many other names of Men that were dead and had retired, which were left out.

There is something more unfortunate in the case of a special Jury. The Special Jury-men if they fail to attend that Trial for which they are appointed, are never censured, fined, nor punished by the Judge; in the trial of one of the printers, only four of the Special Jury attended. This is

in the regular *routine* of my business; no proof being brought of any intention to circulate it in particular, more

kind in the chief Justice, but it has a very unkind consequence to the Defendant, especially in a Trial of this nature; for I will tell you what the consequence is.—The best men and the worst men are sure to attend upon a special Jury where the Crown is concerned; the best men from a nice sense of their Duty; the worst men from a sense of their interest. The best men are known by the Solicitor of the Treasury; such an one cannot be in above one or two verdicts; he tries no more causes for the Crown. There is a good sort of man, who is indeed the most proper to try all this kind of causes; an impartial moderate, prudent man, who meddles with no opinions: that man will not attend, for why should he get into a scrape. He need not attend; he is sure not to be censured, why should he attend? The consequence follows that frequently only four or five men attend, and those such as particularly ought not to attend in a Crown cause. I do not say that it happens now, not that I care, I do not mean to coax you, Gentlemen, I have nothing to fear, you have more to fear in the Verdict than I have, because your consciences are at stake in the Verdict. I will do my duty not for the sake of the verdict. Now what follows this permission to Special Jury-men to attend or not, as they like best? Why every man that is gaping for a contract, or who has one, is sure to shew his eagerness and zeal.

It happened so in the trial of the first cause for this advertisement. The Printer shewed me the list, among them one of the first I observed, was Sir James Esdaile, Alderman of London, and a Contractor for the Army (there were several others; I do not mention the gentlemen's names) He would have struck him out, I said no, there are so many bad that ought to be struck out, I have in Sir James; it is impossible that a magistrate of London! with so much business! a Contractor under the Crown! if he has any modesty! he cannot, an Alderman of London! go down to be Special Jury-man in Middlesex! he was the Foreman of the Jury. He was sure to attend. And so they got the first Verdict, in order to give them this influence upon men's minds—"We have got a verdict, this question has been determined by a Jury."

Well, Gentlemen, having then got such a special Jury as he usually does get (for it seldom happens that twelve Gentlemen have sense enough of their duty to attend, as happens to be now my case) the Attorney General brings on the trial; he then claims amongst other things, a right to reply, though no evidence is called for the Defendant.

But he does this, I told you before, that he claims a right of stopping it, when he pleases, by withdrawing a Juror. I should be glad to hear that

than other new publications of any description whatever. One of the witnesses (Mr. S. HUNTER*) produced on the part of the prosecution, proved, that in a conversation he had with me on the subject of libellous publications, previous to the sale of the pamphlet in question, I informed him, that I had taken out of my shop all such of PAINÉ's works as had *then* been declared Libels, and that I intended not to vend any more of *them*; nor would I, on any account, sell a Libel, *knowing it to be one*.—After a *trial* of five hours, in which my Counsel, Messrs. DAY-ALL and CLARKE, did all that great ability, like theirs could do in such a *situation*, the *Special Jury* withdrew, taking the pamphlet with them, and returned in about half an hour with a verdict of—GUILTY! —The Trial for

contradicted and given up.

But farther, if he loses the Verdict, he pays no costs; the Crown pays no costs. The miserable man that is harra'd, even though innocent, though gaining a Verdict under all these disadvantages (it is possible and which seldom happens) yet still he must stand by his costs, and they may be, you see, whatever they please to make them.

Again, if the Attorney General gains a verdict, he punishes whom he pleases, and when he pleases. I think there were eight convictions for this advertisement, yet but three have been called up to judgment, one, I think was let off because there was a little fault (swearing in the case, by an officer under the Crown.—(I allow it certainly to have been a mistake, because he is a gentleman of character) and therefore he is accounted for how this one got off, but how the other Printers escaped, whether from the benevolence of the Attorney General, I don't know.

That is not all.—He aggravates the punishment of the person against whom he gets a Verdict, if he pleases."

* It is with real pleasure, I embrace this opportunity of returning my public thanks to this Gentleman for his open, candid, and manly evidence on the trial.—I wish I could speak of another *respectable*, but *officious* gentleman in the same manner.

† This conversation has already been told before the reader in the former part of this pamphlet.

reprinting and publishing the following* "*Address*," next came on, before another Special Jury.

ADDRESS
TO THE INHABITANTS OF
LEEDS, SHEFFIELD, BIRMINGHAM,
MANCHESTER,
AND OTHER UNREPRESENTED TOWNS,
ON A
Parliamentary Reform.

“ FRIENDS AND COUNTRYMEN,

“ PERMIT me, with the affection that every man ought to bear towards his fellow citizens, and with the anxiety that every citizen ought to feel for his country, to submit to your consideration the following reasons, why, in my humble opinion, the Reform of Parliament, now in agitation, ought not to be regarded by you with indifference:

“ 1. Being subject to the legislation of persons whom *other men have placed over you*, it is evident that you are denied that which is the birth-right of every Englishman, and without which he is not a free man, viz. a share in the making of those laws which have power over your properties, your families, your lives, and liberties.

“ 2. Being very deeply interested in trade, not only at home, but in all parts of the world, you ought to have in parliament deputies well informed on the subject of commerce in all its branches, but more particularly acquainted with that which you in an especial manner commit to their guardianship, as your immediate representatives. It is not otherwise possible that your interests should be properly attended to.

“ 3. Should you not join the public spirited towns and counties who may petition for a reform in the national representation, there is reason to apprehend that it will be but very imperfectly amended. And if the amendment fall any thing short of making Parliament *independent* of the

* The 6th, 7th, 8th, 19th, and 20th, articles in this Paper, are put in *Italics*, they being the parts which were deemed libellous by the Attorney General.—The only alteration in this paper from the original copy, was merely the title; *that* for which I was prosecuted, being addressed to the Inhabitants, &c. “ of Newark.”

Crown, perhaps the only difference we may find, may be, that it may henceforth cost the nation more to purchase majorities for the Minister, than it has hitherto done; for, if corruption, instead of being made impossible, be only rendered *somewhat more troublesome*, the additional trouble as well as the additional value of votes, must be paid for.

“ 4. It is a truth known to you all, that a country which once loses its liberty, must shortly lose its trade also. Thus, on commercial principles themselves, you are bound to contribute your share towards the reform of Parliament, although it should be attended with some cost and labor. The fruits of your industry will prove to your children but a poor inheritance, if not accompanied with freedom.

“ 5. So long as a majority of the House of Commons shall continue to be appointed by a number of borough electors, not exceeding *seven thousand*, as now is the case; so long will bribery govern borough elections, corruption be the characteristic of Parliament, and an oppressive taxation be the lot of the people.

“ 6. *If the present inequality of representation and length of Parliaments be the cause of parliamentary corruption, as they undoubtedly are, we must remove the causes before the effect will cease.*

“ 7. By a corrupt Parliament is meant, that which, instead of being a shield against unnecessary taxation, is the hired instrument whereby the nation is pillaged; — that which, instead of proving a check upon the Crown, when disposed to engage in unnecessary and ruinous wars, is the bribed tool by which the nation was first gulled into an approbation of war, and afterwards drained of its blood and treasures to carry it on: — and again, uniform experience teaches us, that whenever Parliaments are under an undue influence from the Crown, they are ever ready to betray the most sacred rights of the people. Suffice it at present to recal to your recollection a few instances only. In the reign of Henry VIII. Parliament enacted, that the King's proclamation should have the force of law; in the reign of William III. they made a precedent for suspending by statute the benefits of the habeas corpus; and it has since been several times practised: in the reign of George I. by means of the statute, vulgarly called the riot act, all the constitutional means of giving support to the civil magistrate were supplanted in favor of the practice of calling out the standing army. That government which cannot preserve its authority without such an instrument, deserves not the name of government; and that country, in which it is an ordinary practice to support the execution of its laws by a standing army, is not a free country. But the deadliest wounds that freedom ever received from Parliament, were these which have been given it by the disfranchising statute of Henry VI. the triennial act of William III. and the septennial act of George I. for by the

joint operation of those three statutes, the very foundations of the constitution are removed. Those statutes not only defraud the nation of six parts in seven, both of its election and its representation, but they have effectually vitiated the remaining seventh.

“ 8. Parliaments chosen as they now are, and continuing for seven years as they now do, will ever be composed, for the most part, of a few factions, under the guidance of particular Noblemen, perpetually contending for the power and emoluments of office. The common-soldiery of these several factions, like that of all other standing armies, is made up of mercenaries from the most idle and profligate orders of the community. Who so idle, as men of pleasure, and the vicious part of our nobility and gentry? Who so profligate, as murdering nabobs, prostitute lawyers, and unprincipled adventurers, who, through the iniquity of corrupt elections, make their way into parliament, and there let out their tongues and their votes for hire?

“ 9 Parliaments chosen as they ought to be, that is, by the whole nation in just proportion, and continuing as they ought to do, for one session only, must of course (as corruption without doors would then be impossible) consist of men most eminent for virtue and wisdom from every part of the kingdom. Every district, and every town (freed from an undue influence by the multitude of its electors) would undoubtedly appoint for its parliamentary representative, or attorney, the person best acquainted with its interests, and best qualified to promote them. These representatives, feeling that dependence on their employers which an annual election would ensure, and carrying with them into Parliament characters of value, would be doubly guarded against falling into temptation; besides their virtue would be farther secured from this important consideration, that, as no Minister in his senses would esteem it practicable to bribe a majority of such a Parliament, it follows, that bribing individuals could be of no use to him.

“ 10. But such a Parliament cannot be had unless we will revert to the first principles of our constitution, which we have so shamefully abandoned. Since electing a Parliament is our only security against an arbitrary power in the crown, election itself must be not only the common right, but the common duty of all the people.

“ 11. The only plausible objection which is held forth, in order to discourage the manufacturing towns from demanding representation, namely, the loss of time amongst the workmen that would be occasioned by elections, is an idle bugbear.

“ 12. All the idleness and vice of modern elections in this country are the consequences of that very inequality of representation, and that long duration of Parliament, of which we complain. While all but the villains

of former times, that is, while *all free subjects* had their votes, and Parliaments were chosen sometimes twice and sometimes thrice in a year, tumult and debauchery at elections were unknown; and there were not above *two or three* cases of false returns or disputed elections in the course of two hundred and fifty years, as stands proved by authentic records in the Tower. In a *single Parliament* of the present reign, the trials upon contested elections fill *five large volumes*; and the profligacy so frequently attending the choice of members is a reproach to our age and nation.—*Is it not time then to restore a representation of all, and parliaments of a single session; since they alone can ensure us peaceable and virtuous elections?*

“13. Prevent the temptation to the evil you dread, and the evil itself will be prevented: this is a law of nature. If parish officers, if common council men of London, and mayors of corporations, if committees for all sorts of business, if, in short, deputies of any other description, can be annually or more frequently elected, without any evil consequences, is it not an insult to common sense to tell us, that deputies for transacting our parliamentary business may not be elected also?—Prevent, I say, the *temptation* to the evil you dread, and the evil itself will be prevented. The temptation to the candidate—is the hopes of a place, a title, or what else he can get from the minister; the temptation to the borough elector—is the candidate’s treat and bribe.—*Is elections of all, and single sessional Parliaments,* would cut up by the roots this commerce of corruption, so they would ensure you elections as peaceable and orderly, as your weekly meetings at divine service, or in your markets. Thus, that glorious word, *election*, which is not to be found in the dictionary of any enslaved nation, would be restored amongst us to its plain and honest signification: carrying with it no other idea, than that of a *free choice of freemen, for their own benefit and happiness.*

“14. But if we cannot believe history, nor place confidence in records themselves, let us, at least, trust our own senses, and observe what is the conduct of our sober and sagacious brethren of America. Is representation be of no use to a trading people, and if elections are nuisances, why have the citizens of Philadelphia, Boston, and all America, secured to themselves, by their new constitution, an *equal representation and annual elections*, as the very essence of that constitution which they inherit in common with ourselves, and as that without which they knew they should not be a free people?

“15. If you think to enjoy the benefits of representation through persons *chiefly of other sects*, and over whose dissimulation you have no power, you much deceive yourselves. Supposing a merchant had not the choice

of his own clerks, nor workmen, nor household servants, but they were to be appointed for him by the exciseman, or by some neighbouring Lord who had an interest in so doing; and if, when so appointed, he could not get rid of them in less than seven years, let their idleness, extravagance, and dishonesty be ever so glaring, and their insolence ever so insufferable, does it need the spirit of prophecy to foretel, that his name would soon be in the Gazette, proclaiming him a ruined and miserable man? And is not that great merchant, the Nation, brought to the verge of bankruptcy by these very means?—A nation happy above others in the fertility of its soil, and the industry of its inhabitants; a nation which now possesses a district of India, equal to the whole kingdom of France, and until the other day possessed also a continent in America, is nevertheless, I say, and by the means I have pointed out, nearly reduced to the condition of a bankrupt. In consequence of losing, through supineness, the appointment of its own clerks, workmen, and servants, or in other words, its own Parliament, it is now indebted *two hundred and seventy millions of money*, and not only its lands, but *future industry*, is deeply mortgaged for the payment of the interest; whereas, had it constantly asserted its rights, it needed not at this day to have owed a shilling.

“16. As the interest upon these two hundred and seventy millions is just so much to be deducted from the national industry, and as nations less taxed may consequently undersell us at foreign markets, the manufacturing towns of this kingdom are peculiarly and eminently interested in restoring purity to parliaments. They ought also to recollect, that if it be neglected an increase of debt, and consequently an increase of taxes, must follow; for so long as the *cause* of extravagance remains, the *effect* will not cease.

“17. Although it is granted, that if petty boroughs and septennial Parliaments were still to remain *in statu quo*, and the only alteration to be obtained, were a mere election of *two* members for each manufacturing town, the general advantage therefrom would be trifling, and the new elections might perhaps be inconvenient; yet, *that is not what is proposed*; nor would be the consequence, if those towns, *containing an immense proportion of the whole nation*, would properly exert themselves. In conjunction with Surrey, Middlesex, and the Metropolis, united in quintuple alliance, and the many other generous towns and counties which may petition, the vast weight of the manufacturing towns would no longer suffer our hopes and fears, our recovery or our total ruin, to hang in doubtful balance; but the sterling gold of reformation would preponderate, and treachery and oppression kick the beam.

“18. Take a sketch of such elections as are proposed. It being found that the proportion of English electors to every representative, according

to the present number in the House of Commons, is about *three thousand*, it follows, that each town ought to be divided into districts of election, containing each about that number of male inhabitants, of twenty-one years of age. By the militia lists alone this might be easily done. In towns where the whole number of electors for each district might inhabit one parish, there ought to be ten or twelve subdivisions of them, so that not more than three hundred at most elect in one place. This would not only preserve the peace, but ensure the completion of the election in one forenoon: it would also so facilitate the attendance, that no manufacturer or mechanic need lose an hour's labour.

“19. *A moment's reflection will convince any candid man, that in such elections annually repeated there could be no such thing as bribery; and if a ballot were added, all undue influence of wealth or authority would be guarded against. Bribery and threats out of the question, who could have an interest or temptation to promote any licentiousness? It has already been shewn also that in Parliaments so elected, and so dependent on the esteem and confidence, and power of the people, it would be as impossible for a minister to obtain support by corruption, as now it is impossible to find support without corruption.*

“20. *But a minister, it is said, cannot carry on the business of the nation without a majority. This is held to be an axiom in politics. And so it is. No maxim is more true. But it is equally true, that, in Parliaments chosen as ours now are, that majority must be had by means of faction and bribery; in a reformed Parliament, it must be gained by rectitude of measures alone.*

“21. *A reformation of Parliament would produce a total revolution in the condition of the minister. Instead of continuing to be an haughty lord and master of the nation, he would instantly become its servant, as the word minister imports;—Instead of having through a corrupt majority the purse of the whole nation, at his mercy, he would find that it should not yield him an extravagant or an unnecessary shilling. Instead of creating jobs, offices, and contracts, and squandering millions of the public treasure to gratify himself, his connections, his creatures and dependants, besides the enormous bribery within the walls of Parliament, he must correct every wasteful expenditure, and transfuse a spirit of œconomy through every department of the state.—Instead of being in a condition to make inroads on the liberties of the people, or to make anything law, by which he could ingratiate himself with royalty, or strengthen his own hands against every opposition to his will, he must be content to act within his own sphere, which is to execute the laws made by the concentrated wisdom of the nation in Parliament assembled.*

“22. *In such a Parliament as must be the consequence of asserting our right to an equal representation and annual elections, it would be as im-*

practicable for any *faction* to displace an able and virtuous minister, as for a cabal of grooms and chambermaids, in a private family, to displace the steward, whose reputation had been established for talents and integrity, and who acquitted himself to the satisfaction of his master. So long as the minister did the business of the nation to its satisfaction, the representatives of that nation, having no temptation to do otherwise, but an evident interest in supporting him, would support him accordingly. Nevertheless, the House of Commons would still be the political theatre for ambitious spirits to act their parts in; and it ought to be so. It is the proper school of politics; and whenever a great genius for government should arise, and could satisfy Parliament as to any considerable incapacity in the minister, and of his own superior talents, it would be the duty of Parliament to see the nation was served by the fittest person in the kingdom; and a change would take place as naturally, and as peaceably, as when a gentleman parts with one servant and takes another. Thus so far from annual elections preventing amongst foreign courts a confidence in our government, as some maintain, they would raise its reputation for wisdom, vigour, and permanency throughout the world: and by preserving a *perpetual harmony between the crown and the people*, and keeping always at the helm the person best able to guide it, the King of England would once more become the most powerful and glorious monarch on earth.

“ 28. Petition then, with one voice, my friends and countrymen, for that share in making your own laws to which, by the constitution and the laws of nature, you are entitled. Pursue the only course which can ever affect any considerable reduction of debts and of taxes, materially advance the interests of manufactures and commerce!—In short be Englishmen! be free, prosperous, and happy! And give your posterity, the same cause to revere *your* memories, as you have to bless *those progenitors* who left you an inheritance in a free constitution!”

Several witnesses were called by the Counsel for the Crown who proved the mere fact of publication. Amongst the rest of these neighbourly and friendly characters was Mr. BLAND Surgeon, and Apothecary, Man-midwife, and Alderman. This Gentleman ingenuously stated, that as he was riding past my printing office, sometime last January (1793) he saw a person sticking up a large bill on the opposite wall. On Mr. B's stopping to read it, some person from my office politely handed one over to him that he might peruse it

at his leisure. *Who* this person was, Mr. B. could not say, but he recollected seeing at the same time, another person in the office, who wore a paper cap on his head, round which were the words "LIBERTY AND EQU." Either from the weakness of Mr. B's optic nerves, or the treachery of his memory, he unfortunately could not say what other letters finished the alarming sentence! Most probably it was some treason in *embryo*! Who knows, had the whole of this *important* inscription been discovered, but it might have proved the key to that *dark* plot, which induced Mr. PITT, to call out the militia, and the DUKE of RICHMOND to fortify the *Tower*! What a pity it is that Mr. B. did not make a more complete discovery; as he might perhaps have saved the Metropolis of Great Britain, by the very same means as once saved the Capitol of Rome—"the cackling of a GOOSE!!"—After Mr. B's *Jagacious* evidence was closed, my leading counsel, Mr. DAYRELL, then addressed the Jury, in a very able, pointed, and energetic speech, of considerable length; in which he exposed with singular felicity, the various abuses that had crept into the government; and very successfully, and with great ability insisted on the right of every citizen to deliver his opinions on the form of government under which he lives, and dwelt with peculiar force and energy on the singular cruelty of prosecuting a man for REPRINTING, in the way of his business, a paper, sanctioned by the first characters of the age, and subscribed by the two first men in the present administration viz. Mr. PITT and the Duke of RICHMOND. He stated, that the paper in question, had been printed in all the Newspapers of the year 1782, and notoriously circulated throughout the Kingdom for the space of TEN YEARS; and that he then held in his hand the *original*

*copy** from which the present paper was printed, and that he should call evidence to prove that it had been so printed, circulated, &c. &c. He then proceeded to call MAJOR CARTWRIGHT, who was one of the committee at the Thatched House Tavern, in the year 1782, by whom this paper was first given to the public, but the counsel for the Crown objected to the MAJOR's being called. Mr. DAYRELL strenuously contended that he had a right to produce any evidence that would at all serve the cause of his client. To this it was answered, that if the Judge committed a mistake in receiving the evidence, it could never be rectified or redressed; but if he did not receive the evidence, and it was afterwards discovered that he was wrong in so doing, a motion might be made for a new trial. The Counsel for the Crown further observed, that it did not in the least signify if the paper in question had been first printed in the year 1746 instead of 1782, and had never before been noticed by government; yet, if it was reprinted so many years after, and the inuendoes *would then apply to those times*,† they certainly had a right to prosecute *whenever and whosoever* they pleased!!!—These objections on the part of the Crown were admitted, and of course no evidence *in my favor* was examined! After the summing up by the Judge, the Jury withdrew, taking the paper with them,

* The *manuscript copy* of this paper is now in the hands of Mr. FROST who, I believe, is preparing it for the press, and which with some curious particulars concerning it, will be speedily laid before the public.

† How inuendoes, printed in the year 1746, or 1782, could *intentionally* apply to circumstances forty-seven, or ten years after, except by the spirit of prophecy, I am at a loss to conceive!—If this doctrine is to prevail we may soon expect to see the BIBLE adjudged “a false, scandalous, wicked and seditious Libel” and SAMUEL proved to be a *Republican*; DAVID a *Jacobin*; and CHRIST a *Leveller*!!!

and returned in three quarters of an hour, with a verdict of—GUILTY!!!*

On these Verdicts, at present, I shall make no remarks, but hasten to inform you, that in consequence of them, I appeared in the Court of King's Bench, on Thursday, November the 20th, to receive judgment, when the following proceedings took place.

After the ATTORNEY GENERAL had moved for Judgment in the usual form,

Mr. JUSTICE GROSE read over the Report of the learned Judge on the trial of the first Information.

Mr. ERSKINE. My Lords, I am of Counsel for this Defendant, who has been found guilty on two Informations, and is now in Court ready to receive your Lordships' Judgment.—But I do not know that it may not be better to hear the learned Judge's Report on the second Information, that I may take them both together:

ATTORNEY GENERAL. It is indifferent to me whether the informations are taken together or not; but I hope your Lordships will pass a separate Judgment on each Information.

LORD KENYON. That is matter of course. We must pronounce distinct Judgments on each offence. Separate punishments certainly.

Mr. ERSKINE. I know that; but, my Lords, I conceive that it is competent to me to suggest such reasons

* I lament that I was disappointed of the assistance of a Short-hand Writer at these trials: but as the two cases were afterwards so ably and copiously re-argued in the Court of King's Bench, the omission is not so very material, as the Reader will find those proceedings reported at full length, when he comes to that part of the Pamphlet.

as occur, to shew that my Client has been illegally convicted, and that if your Lordships should be of that opinion, he ought to have a new trial.

ATTORNEY GENERAL. My Lords, this is the first moment that I have heard it was the intention of my learned friend to move for a new trial. At the same time I would not wish to be understood that I meant to blame him, or to say that he has no right to it.—I confess I do not know, and I do not pretend to know, so much of the practice of this court as to say, whether or not an application for a new trial is now in time or not. Although I appear on behalf of the Crown, I do not wish to deprive a defendant of any of his rights. I do not wish by any means to shut out his application.

LORD KENYON. Mr. Eiskine; can you produce any precedent where a new trial was granted after the first four days of the Term after trial, except in a few excepted cases, where the court itself interfered. I remember perfectly the case of the King and Gough is of that nature; as also the case of the King and Morris. And there is one instance or two more of the same kind, that may be mentioned. In the first of these cases a question arose, “Whether the Town-Hall of Gloucester was within the county of the city, or within the county at large?” and the Court itself, on hearing the Report of the learned Judge read, were of opinion that it ought to go to a new trial; but that was the act of the court itself, without any application from the Bar.

Mr. JUSTICE ASHURST. I have always understood the rule of this Court to be, that a Defendant may move in arrest of Judgment at any time before Judgment is pronounced; but that a motion for a new trial must be made within the first four days of the term after the De-

fendant is found guilty.

MR. ERSKINE. In the case of the King and Aylett, and in another case, to my certain knowledge, new trials were granted long after the four days in the subsequent Term had expired. A new trial was granted when the Defendants were in the Court ready to receive his Judgment :—Nay, my Lords, I appeal to the whole Bar, “ whether it is not their general opinion that a new trial may be granted at any time before the Judgment of the court is pronounced ? ”

LORD KENYON. I very much doubt whether that is the general opinion of the Bar. I am informed by one of the officers of the court, that in the case of the King and Aylett, the court had expressly given leave to move for a new trial, on a future day. I have no wish upon the subject either one way or the other. I wish only to go according to the practice of the court.

MR. ERSKINE. My Lords, as on the one hand I do not wish to deceive the court, so on the other I should be extremely unwilling to give up any advantage or privilege which belongs to any man who puts his trust in me.

LORD KENYON. Let this motion be postponed to the second day of the next Term.

MR. ERSKINE. If it could be done without any inconvenience, I should be glad that this case was settled at an earlier period.

LORD KENYON. We are now got to that period of the Term, when I do not know how we can do it at an earlier period, consistently with the other business that should be done. Why did not the Defendant move for a new trial within the first four days of the Term ?

MR. ERSKINE. My Lord, I was only applied to yesterday, and in the judgment of the Gentlemen who are concerned with me, as well as in mine, we ought to take the previous opinion of the court, "whether this Gentleman has been legally convicted?"

LORD KENYON. Is the motion for a new trial meant to be made on what is disclosed in the report of the learned Judge, or on affidavits?

MR. ERSKINE. My Lord, it is meant to be moved on both.

LORD KENYON. Let it stand over until Saturday, when we may hear that multitude of cases.

ATTORNEY GENERAL. My Lords, if the Defendant thinks that any serious mischief will result to him from the verdicts that have been given under the idea that he had been illegally convicted; I do not wish that the Court should be troubled with hearing this argument; but shall think it a substantial ground for saying, that I conceive it to be my duty to permit the Defendant to bring it again before the Court.

LORD KENYON. We, the Court, are bound, *ex debito justitiæ*, to hear this application to the Court, in as much as the practice of this Court is part of the Law of the land.

MR. BEARCROFT. The practice of this court, as I understand it, is this. If the party moves for a new trial, he must move within the first four days of the next term; but if what passed at the trial comes before the court in any course, and the Court sees the verdict is not right, the Court shall see that justice take place.

MR. JUSTICE BULLER. In the case of the KING and

GOUGH, on reading the Judge's Report, the Court was of opinion that the Defendant ought not to have been convicted.

LORD KENYON. I would not have a cloud hang over it, and therefore let it stand over to Saturday, to see what can be said upon it.

MR. ERSKINE. In point of reason, my Lords, and of common sense, there is no difference, whether the Defendant himself, or his Counsel for him, point out an error to the eye of the Court, or whether the court is led to discover it by any other means.

LORD KENYON. Well.—Let the Defendant be remanded.

I was then accordingly remanded to the King's Bench prison. The following Saturday morning I again appeared in court, when as before, the Attorney General moved for the judgment of the court.

LORD KENYON. MR. ERSKINE; this is the stage of this business when it is proper for you to shew that it is allowable according to the practice of the Court, for a Defendant, after four days have elapsed in the Term, to move for a new trial.

MR. ERSKINE. My Lords, the Defendant now in Court being called upon on a former day to receive your Lordships' Judgment, and the report of the learned Judge upon which alone he can receive that judgment, being read, I humbly suggested to your Lordship's that there was matter apparent on the face of it, which entitled me to ask your Lordships not to pass the judgment of the Court, but to grant a new trial. In that stage the business stood then; in that stage the business stands now; and

what I am to state to the Court is neither more nor less than this : and to state it with that submission which every Advocate ought to shew to the Court, and what I am sure I am always disposed to shew ; to suggest at no great length ; that by the precedents of the Court ;—by the rules and practice of it ;—and by the rules and principles of English jurisprudence, you ought to send this cause to another trial ; but I am not in such a situation as to be necessarily called upon to ask a new trial of your Lordships. I may ask the Court, “ Whether, upon hearing the Report read, it is not open to me, without offending the Court ; or without breaking through any of those rules by which your Lordships conceive yourself lves bound, to ask your Lordships to stay this judgment ? ” and I shall certainly not be removed from that position.

Your Lordships had the indulgence to give me an opportunity of considering this matter, and I have no difficulty in saying, I had entertained an idea that there was a great difference between criminal and civil cases. I am confirmed in that idea ; and I am persuaded that nothing I shall hear to day will shake my judgment in that matter.

In civil cases, your Lordships stand, (thanks to the Constitution of our fathers) in a situation very different from that which you fill in criminal cases, between the Crown and the Subject. Your Lordships, in administering civil Justice, have no rule but that of strict law to guide you, and the Civil litigant must have his judgment when he can call for it. Your Lordships stand, as criminal Judges, in a situation much more pleasant to yourselves, and much more to the aggrandizement of magistracy. Although the ATTORNEY GENERAL alone can guide the course of criminal justice, as servant for the Crown, yet your Lordships guide the administration of criminal Justice para-

mount to him, and no prosecution can advance a step further than the Court thinks it ought to advance.—In a recent case, which I cite to your Lordship's honor, tried before you at Guildhall, for perjury. On the trial of that cause contradictory evidence appeared, and your Lordship interposed on the part of the Defendant. Had that been a civil suit, I have no difficulty in saying, that the evidence which made that impression on your Lordship's mind, would have made no such impression. Had it been a civil case, I should have taken the judgment of the court on what fell from your Lordship. But in a Criminal case, and where I was standing for the Crown, and there was no civil litigant to claim his rights; your Lordships in that case represented the majesty of the public, and the liberty of the Defendant, and held the scales between them. No man who knows his character, will advance one step beyond what is proper.—I find the whole course of criminal justice falling in with that idea, and I trust I shall not live to see the time when it is otherwise. In civil cases the party may help himself; the verdict is a warrant for judgment. He may give a rule on the *postea*, and when that rule is expired he may sign the judgment of the court, unless the opposite party has moved for a new trial. The Court has said that rule shall be within the first four days of the next term, and therefore your Lordships see the party can sign judgment of himself, unless the judgment which he can sign is stayed by the interposition of the court on motion. I contend that I may move in arrest of judgment after the four days, and any time before the judgment is pronounced. When your Lordships are addressed in civil cases, in the middle of a term for a new trial, is there any instance of the Court's refusing, on the ground that it would be breaking through the rules and practice of the Court? No counsel can state that ever

such a motion was refused him, therefore the right of the party to his civil remedy must be governed according to the strict practice of the Court ; whereas, in criminal cases, your Lordships have interfered very differently ;—yet even in civil cases, where there has been any misapprehension, any mistake, judgment has been arrested, and your Lordships have received a motion for a new trial, when, by the rules of the Court, judgment ought to have been given. The first case that I shall mention, is that of *BURT and BARLOW*, reported in *DOUGLAS*, 162 : that was an action tried before Mr. JUSTICE BLACKSTONE, at the assizes for *Kent*. Mr. ROUS moved for a new trial. Wednesday the 21st of *April*, was the first day of the Term, and by the practice of the court it must be moved within four days inclusive, so that Saturday was the last day for moving ;—however, the learned counsel moved on the fourth day exclusive of the first ; and the rule was granted. I mention this case to your Lordships, to shew, that it is not refused after the expiration of the first four days ; if, under the circumstances of the particular case there is any reason and propriety for the Court to interpose. I once more beg leave to remind the Court, that I am making no motion for a new trial, but am directing the judgment and attention of the Court to the Report of the learned Judge. I am therefore now doing what the Defendant, standing silent before your Lordships, could not do for himself. I might look round to all the Gentlemen at the Bar, and ask, whether any thing is more notorious, than that there are a hundred instances where the court have not refused to grant a new trial after the expiration of the four days.

LORD KENYON. Mr. ERSKINE, what is the meaning of this practice, that when a person has been found guilty, four days must elapse before there can be a judg-

ment, *quod capiatur*?

MR. ERSKINE. No one instance can be stated, where the Court has said to a man standing for judgment, "You come too late to ask for a new trial; you ought to have come within the first four days of the term." I contend that the case of the KING and GOUGH is precisely in point; it is reported by Mr. DOUGLAS, in a manner very different from that in which it was reported by the court; and no man will persuade me that, that learned gentleman did not know what the court was about when he reported that case. This is a remarkable case in every part of it, and will apply very particularly to the present case. The case of the KING and GOUGH, was an Indictment which came on to be tried at the Spring assizes for *Gloucester*, 1777. The objection was, want of jurisdiction in the county jury to try an offence charged to have been committed within the county of the city: the evidence was not before the court; the Defendant stood guilty on the evidence;—it was not pretended to be said that he had suffered injustice, because he was ordered to pay a penalty where the mind was innocent; but it was a technical objection to the jurisdiction of the court that tried it. The integrity of the jury was not called in question; the trial was not disputed, nor was it doubted that he had justice duly administered to him, and he came under that objection on the 2^d of May 1781 after the lapse of *fourteen Terms*: I come before your Lordships without the intervention of one. In that case the Defendant was brought up for judgment, when Mr. JUSTICE BULLER read over the report of the evidence given at the trial of that case, as Mr. JUSTICE GROSE has done in the present case; after which the Court observed that the

conviction appeared extraordinary, and that a new trial was proper. Mr. DUNNING said he should have made a motion for that purpose, if he had thought it competent after so long a time after the conviction; yet the court in their discretion granted a rule for a new trial. What does LORD MANSFIELD do in this case—he did, what he always did, and what he will be remembered for hereafter;—he declared that enough did not appear upon the face of the report to convict the Defendant. He thought that the Defendant ought not to be convicted, and therefore granted a new trial.

LORD KENYON. The case of the King and Morris, I remember perfectly: I may say, as well as it happened yesterday; and there are several other cases of the same sort.

Mr. ENSKINE. My Lord, I cannot mention the cases all at once. I shall not move for a new trial. I may move to stay the judgment, and the single question for your Lordships' consideration, is, whether previous to the Defendant receiving the Judgment of the Court, after having read over the report, your Lordships of yourselves must find out the errors of that report, if any exist; or, whether I shall have an opportunity of suggesting to your Lordships in what part of the report the error lies? I confess, if there be any distinction between these two modes of detecting error, it is a shame it should exist, and I know it cannot exist, consistently with those principles which adorn our government; and your Lordships would lament when you consider the feeble nature of man, and your Lordships have very frequently admitted, very much to your honor, the same sentiment; and I think you would not be much pleased to consider the consequences which might be of the most fatal kind to an individual, if he was

obliged to stand dumb before you, and if your own minds did not furnish you with sufficient light to point out the error, he himself must not point it out, at the same time. *Si iustitia ruat cælum.* If I must be silent, I shall be silent because the law commands me.

The next case I find analogous to the present, is the case of the King and Atkinson. There is no printed report of that case, but I have a manuscript note of it: my learned friend Mr. BEARCROFT was in it. LORD MANSFIELD, having heard that a new trial was intended to be moved for, and that the Defendant was not forthcoming, that a motion would be made, and my LORD MANSFIELD observing it could not be made without the personal attendance of the Defendant; I met Mr. BEARCROFT afterwards on the reading of the report, when the Defendant came up for judgment; but at the interval of two Terms. I asked leave to move for a new trial upon the authority of the case of the King and Gough, but LORD MANSFIELD took a distinction between an application for a new trial and this case. His Lordship said there could be no application for a new trial before the Court; but that the Court itself was to examine whether the party was to be tried *de novo*. The Court were to look up in the face of the report, and to consider whether any error occurred to them sufficient to induce them to grant a new trial.

With regard to the case of the King and Aylett, I had leave to move it after the expiration of the four days. My Lords, the matter which I have humbly to state to the Court, is this: I think according to the rules of the court as far as I can collect them from these cases, that the party, strictly speaking, ought to make this motion within the first four days subsequent to the conviction, and

that your Lordships, without departing from any one principle of law or of Justice, might refuse to hear a Defendant applying at a later period, and so your Lordships may do to day. I confess I think it is fit that there should be a rule, and when it exists, that it should be carried into effect, and that false humanity should never induce judges to break through those rules which when once established should be observed.—What then ought I to do in this case, but to surrender up my client to the discretion and mercy of the Court, who I am sure will make the proper distinction where a Defendant is called upon to answer for an offence of a trivial, and an offence of a dangerous nature; where such a Defendant is conscious that he is guilty, and instead of laying open his real situation, gives instructions to his Counsel to aggravate the evil which the indictment seeks to abate; such a Defendant becomes no object of mercy; but where he comes submissively to urge any rule of law, he stands in no such situation;—and when my objections come to be overruled, I shall have this consolation, that I have offered nothing to your Lordships to induce any one to think the worse of my client, or of the government under which we live.

LORD KENYON. I am not aware that there is any very great difference of opinion, and I am very glad to find that those rules by which the court have supposed themselves to be governed, are in fact the rules of the court. The case of the KING and GOUGH is within my own memory. I was counsel in the cause. I have also a manuscript note of the KING and MORRIS, which case is also in print and is to be found in the 2nd volume of SIR JAMES BURROWS's *Reports*. In that case the Defendant was tried for perjury, was convicted, and was brought up for judgment, and no counsel objected to the conviction.

on ; but LORD MANSFIELD, to satisfy his own mind, put this question : “ Whether there was sufficient evidence to convict the Defendant ? ” And his Lordship was pleased to say, if any mistake had been committed at the trial, and if the Defendant had been illegally convicted, it was never too late to annul an error. This being the case MR. ERSKINE, you will now suggest to the court why we ought not to pass sentence.

MR. ERSKINE. Your Lordships know that the Defendant has been convicted upon two informations. The first charging him with publishing that part of Mr. PAINE’S *Works*, which is entitled “ *An Address to the Addressers ;* ” and the other entitled “ *An Address to the Tradesmen, Mechanics, Labourers, and other Inhabitants of the Town of Newark, on the subject of a Parliamentary Reform.* ” Now, my Lords, my objections to the two Reports of the learned Judge who tried the two Informations are of a very different nature ; and I cannot but here lament that SIR JOHN WILSON, being now no more, we cannot have recourse to him to receive any light or information with respect to the report. My Lords, the matter I am about to offer to your Lordships, on the subject of the first of these informations, even if I ought to sustain the objection, does not go to the guilt or innocence of the Defendant ; it shows no more than this ; that if the objection had been made at the trial, and if when made, the learned Judge had accepted of it, he never would have been convicted. I mean to say nothing upon the Label itself, but just leave the Defendant to your Lordship’s mercy. In viewing this subject, I think we must not look at men’s natural rights, or moral rights, but we must look at the rights they enjoy under the laws. I am persuaded that if the objection which I shall make, shall appear to your Lordships to be well founded, indeed I entertain no doubt, but that your

Lordships will consider it some how or other, although it was not made at the trial.

LORD KENYON. Mr. ERSKINE, I will go further in favor of the Defendant. Though the objection was not made at the trial, yet, if it shall appear to us to have force, we shall give full scope to it.

Mr. ERSKINE. I lament the situation in which I stand, not from any suspicion of a want of integrity in any quarter, but because I cannot appeal to the learned Judge who is now no more. It is not an uncommon thing when there is any difference of recollection at the Bar, and when the Judge's report is short, to appeal to the learned Judge himself. There can no mischief arise from this when the integrity and independence of the Bench is recollected.

LORD KENYON. If I mistake not, when the country had the misfortune to lose Sir Dalley Ryler ;—if I mistake not, certain causes were brought before the Court by affidavit.

Mr. ERSKINE. This publication, entitled "*An Address to the Addressers*," was written by a person who has been already convicted, and it was written subsequent to the time of his majesty's Proclamation, and the general tendency of that publication was charged in the indictment to bring his majesty's proclamation into contempt; and as divers Addresses had been presented to his majesty, expressing their loyalty and attachment to his majesty's Government, it was charged, also, that this publication insinuated that these Addresses did not contain the true and genuine sentiments of the loyalty of his majesty's subjects, but that they had been fabricated to serve the purposes of corrupt and interested men. These are averments in the information, and must be proved by the ordinary rules of evidence.

They are matters of fact, and must be proved as all other matters of fact are. Now upon the report it appears that they were proved by evidence which I object to, and which was objected to at the trial, but which objections were refused and over-ruled by the learned Judge. The averment that "divers" Addresses had been presented by various bodies of his Majesty's subjects, was proved by no other evidence than the London Gazette. If this print affected the Defendant only, it would be nothing. I might safely leave my Client to your Lordships discretion and humanity, but I speak of a matter of great importance; it is a question of evidence; and evidence is one of the most important branches of the law. The information states that "*divers*" Addresses had been presented to the King. Now that "*divers*" Addresses had been presented to the King must be proved by the same evidence that any one Address was presented. I will advance a step further; I will suppose that a seditious Address had been presented, signed by a number of persons, and that this Address, on the presentation of it, had become the subject of a criminal prosecution, and the Information had averred that A, B, and C, had presented that Address to the King, would the Gazette have proved that individual case? It may be said, that an act of government may be proved by the Gazette. If I wish to ask a favor of the King, would the Gazette be evidence that I had received it? The question is not, whether the Gazette be good evidence;—but the question is, whether it proves the existence of the facts which it states?

LORD KENYON. The report of the learned Judge is extremely short.

Mr. PEARSON. The information states, that "*divers*" Addresses had been presented to his Majesty. This is a

most material relevant averment, and the whole body of the information falls to pieces without it. Your Lordships therefore will perceive that the nature of my objection is this. I say, these Addresses are stated on the record as facts and that consequently they must be proved, like any other facts, by such evidence as the law of England calls for. Suppose a commission of Bankruptcy was lost, would the London Gazette be evidence that such a commission ever existed? I contend that it would not. The general rule in all questions of evidence is, that in all cases, you must produce the best evidence and the highest authority which the nature of the particular thing in question will admit. I contend, that the Gazette is no evidence whatever that such Addresses had been presented to the King. It probably will be said, that the Gazette is the only evidence of state matters, and of things which affect the state, but an Address surely cannot come under that head. It is surely no matter of state, and only refers to the acts of individuals. This therefore being the case, I contend, that this evidence ought not to be admitted. Your Lordships therefore clearly see, that if this objection had been sustained at the trial, the Defendant would not have been convicted. I do not pretend to say what weight is due to this objection, but if it has made any impression upon your Lordships minds, I have no doubt but that the Defendant will have the full effect of it.

The objection which I have to the other information, is of a very different sort; and goes, as I apprehend, to the complete innocence of the Defendant. The matter which I have to offer to your Lordships on this point, will involve in it the construction of a law lately made, and if I do not succeed in my objection in this case, I shall consider this act of parliament as a dead letter, which cannot be taken off the statute book two soon, as it will only

have the effect of disordering the whole system of English jurisprudence. The subject of the second information upon which the Defendant has been convicted, is entitled, "*An Address to the Tradesmen, Mechanics, Labourers, and other inhabitants of the Town of Newark, on the subject of a Parliamentary Reform.*"—The love of our particular country is the first of all virtues, and a desire to promote its interests and prosperity, the first of all duties. But how that duty may be best performed is another question, and on which great authorities may lift up their heads on different sides.—Those who originally wrote this publication are persons who at present surround the King; who bask in the sunshine of royal favor; and administer, as they think at least, the affairs of this country gloriously. Now I humbly conceive, for a man to print a paper in the year 1793, which was originally published in 1783, and which, as no criminal proceeding has been had upon it, he must consider as innocent: the *reprinting* of that cannot be a Libel. The Defendant may say, "Shall I be exhibited in the pillory by the servant of those persons who have set me the example; who were the authors and original composers of it?" The Defendant offered to prove this at the trial, but was not permitted to do so. He offered to prove, not only that the sentiments were similar, but also that it was the same in *totidem verbis*. He offered to prove *that it was not originally composed or printed by him*, but that it was composed and printed in the year 1783, by a body of persons of exalted rank, and some of whom hold the highest situations in his Majesty's government. This however was refused. I contend, that a *seditious intention*, which was laid in this information, was matter of fact, and not matter of law; and that therefore it ought to have been left to the jury. My Lords, if

I am not entitled by the late act of Parliament to consider the subject in this light, the Libel Bill, in which I had some share, must be considered as a dead letter, and had much better be expunged from the statute book ; for if it is to have no operation, I shall be as desirous of mending what I had a share in doing, as in the first attempt. Will any person tell me, that a man may not publish a fair, candid, legal disquisition upon this subject ? Will any man tell me, that I cannot state, *bona fide*, to my fellow citizens, my sentiments on the subject of a Parliamentary Reform ? I know I may do it with perfect safety, because I have done it, and will the ATTORNEY GENERAL prosecute me for it ? At the same time it is not to be wondered at, if the sentiments of great and good men on this subject are found to vary ; and although no man, more than myself, loves and venerates the Constitution under which we live, yet I am one of those who think that great improvements may be made in it. Whether I am innocent or guilty by the mode in which I have done it, is not for me to determine ; but I am very ready to admit, that if under the pretence of a Parliamentary Reform, I have been seeking to pull down the fabric of the constitution, by rendering the people discontented with their condition, then I am a Libeller, and whoever seeks to sow and propagate sedition, ought to be the just object of the execration of mankind. With respect to this paper, I have only to observe, that it was published *ten years ago*. and that it has been circulated far and wide, throughout the kingdom, and has never been productive of any sedition.

LORD THURLOW, with several other noble Lords, were of opinion, that Libel or no Libel, was matter of law ; I am of a different opinion ; and, although a man

may be inferior to another in learning, yet like an honest man he may maintain his own opinion ; but I think it may justly be made a question, if I do not succeed in my objection, whether any improvement has been made by the late law ? or—whether it has not disordered the whole system of our jurisprudence ?

If never occurred to me that a jury were to be judges in abstract points of law ; the judges should maintain their authority over the law, and the jury over the fact. The Jury are the Judges whether Libel or no Libel upon the seditious intention as matter of, or coupled with, the fact. The Jury ought not to condemn a man but on sufficient evidence, and if they had admitted the evidence, which I contend ought to have been admitted, there would have been no evidence to have convicted the Defendant, but on the other hand, there would have been the most decisive evidence THAT THE PUBLICATION OF THIS WAS NOT WITH A SEDITIOUS INTENTION. The Foreman of the Jury asked the Judge, “ Whether they in the discharge of their public duty, could not decypher the intentions of the Defendant ? ” The Judge told them that they might, and that if this was not the case there would be no safety for the subject. I have already observed that this paper, which was the subject of the second Information against the Defendant, was the very Paper which was composed and published ten years ago. As the persons who wrote and composed it, may be ashamed to have their names published, although I should not, and as they are tired of their opinions, although I am not, I shall not name them.

The Jury, was not permitted to decypher the whole meaning of the Defendant, and to say what passed in his

mind at the time.—But it is the fashion of these times to cry down by *bell, book and candle* every man who takes up opinions that other people are tired of. The Defendant who has published this Address, has very great merit; the principles of it are just, and had they been cloathed in better language, he could not employ his time better than by publishing it again. I shall take the liberty of reading the latter part of this publication :

“ Petition then, with one voice, my friends and countrymen, for that share in making your own laws to which, by the constitution, and the laws of nature, you are entitled. Pursue the only course which can ever affect any considerable reduction of debts and of taxes, materially advance the interests of manufactures and commerce !—In short be Englishmen ! be free, prosperous, and happy ! And give your posterity, the same cause to reverence *your* memories, as you have to bless *those progenitors* who left you an inheritance in a free constitution !”

I say this is what any man may and ought to publish in and out of jail, and I am persuaded, that the adoption of these principles alone can save this country. Give the the English public the satisfaction of enjoying their happy and glorious Constitution, and they will grapple in the defence of it, and no power under heaven will be sufficient to tear them from their allegiance. Our Constitution is the sanctuary of English liberty, and no government will be able to equal it; for I am persuaded that it is destined, by the great Author of all nature, to be the happiest, the freest, and most glorious country in the world. It was by the intrigue and corrupt practices of courtiers, that the Constitution, of France was pulled down, and the Constitution of this country may be pulled down by the same means,

With regard to the time in which the Defendant pub-

lified this paper, I apprehend my Lords, that no objection can fairly be made on that head; for it is well known that some time before this, Mr. GREY had given notice of bringing forward a petition before Parliament praying for a Parliamentary Reform. Now when this paper was originally written, there was a petition presented, praying for a Parliamentary Reform. This paper, this LIBEL, as it is called, was originally composed and written by Mr. PITT, the DUKE OF RICHMOND, and other eminent persons who stand high in his majesty's favour! AND SHALL THE DEFENDANT BE SET ON THE PILLORY, FOR THAT WHICH SET THEM SO NEAR THE THRONE!!! Shall he be branded with the charge of sedition, for only being a humble copier, and for republishing that, which has been published ten years ago; and which, though circulated through every part of the country, has produced no sedition?—My Client offered to produce a witness to prove, that this paper was originally composed by these Gentlemen. I conceive he had a right to rebut the seditious purpose that has been ascribed to him, but this was refused. This is not all; for on the part of the prosecution, evidence was examined to shew out of the case itself, and upon topics *entirely extrinsic*, the general disposition of the Defendant. For that purpose they produced a witness to prove, that the Defendant caused this paper to be distributed by a man wearing a cap on his head, on which were inscribed the words "Liberty and Equality." This might have, and I believe actually had, an effect upon the minds of the Jury. Thus they received evidence to *inflame*, and nothing to *extenuate* the case on the part of the Defendant.—I say that seditious intention is not matter of law, but matter of fact, and ought to have been left to the Jury. These, my Lords are the observations that I have to submit to your Lordships, and

I have no doubt but your Lordships, will do justice between the Defendant and the Public.

Mr. DAYRELL, and Mr. CLARK, proceeded on the same line or argument on the point of evidence. They maintained, that the London Gazette ought not to have been received as evidence that "*divers*" Addressees, had been presented to the King by various classes of his subjects; and secondly, that the evidence which was offered by the Defendant, to shew that he had no seditious purpose in publishing the Address for a Parliametary Reform, ought to have been received.

ATTORNEY GENERAL. My Lords, I am very shortly to answer the two objections that have been made to the reports of the learned Judge by my learned friends who are Counsel for the Defendant. I am perfectly ready to admit that if this Court shall think that there is any weight in these objections, the Defendant ought unquestionably to have the full benefit of it. It is not enough that justice be administered, but the satisfactory administration of justice, is an object of the first importance. The first objection now taken is, that sufficient evidence was not given to the Court in the case of a material averment; namely, to prove that Addressees had been presented to the King by various bodies of his subjects. I conceive it would be extremely difficult to make out these objections as supported by any principle of law. The objection might be as well stated in this way "How do you prove them to be Addressees at all?" And until you prove that, you prove nothing. I thought when I heard this objection first, it would embarrass the discussion at the other part of the case, and had I been aware of it, the better way would be to postpone the subject, because it is not only my duty to consider the objection, but because there is a great deal of

authority upon the question; but I shall now, with your Lordship's permission, proceed upon the whole case. I was aware that objections might be offered to the Proclamation, as being evidence of the act of his majesty, but this cannot be insisted upon with any effect. Nor can a better objection be started against the Gazette. If learned Gentlemen are pleased to persist in these objections, I must tell them that they have to encounter, not only the uniform practice of this Court for one hundred years past, but also the clear decision of LORD HOLT, and that upon a principle which removes the present objection entirely; which is, that in the opinion of that learned Judge it was a high misdemeanour for any person to notify an act which can only be done by the King, and that all legal means for that notification should be reserved for the King alone. The medium for that purpose is the Gazette. I will tell your Lordships what I understand the Gazette to be. A Gazette is a publication, evidence, and notification of a royal act, be it what it may, and all the public acts of his majesty are notified in the Gazette. Having made these observations upon the evidence, I must now take notice of what my learned friend, MR. ERSKINE, was pleased to throw out upon myself. He called me the servant of certain persons in power; an expression which he afterwards seemed to qualify, and to allow me to be the servant of the Crown. I can only say that the sentiments which I entertained when it pleased his majesty to call for my services, I entertain now; I have often expressed them on questions of Parliamentary Reform, and on other subjects and have differed, perhaps, from those who are highest in his majesty's confidence. That has never yet been the cause of the least uneasiness to me. I shall always retain the independence with which I commenced; and the moment I am called upon to act in a manner that is incon-

silent with that spirit, that moment will I abandon the office which I now hold. As to the point of law respecting the evidence of the trial, I might be content with saying that MR. JUSTICE WILSON, had no doubt upon the point, and all who had the pleasure to know that learned Judge, admitted his merit, both as a lawyer and a man.—The nature of the evidence has been already stated with sufficient accuracy and precision, and I humbly conceive that every thing that can be necessary in this case to convey information to the Court, appears upon the face of the Report. The Defendant, your Lordships see, has been convicted for selling a book called, “*An Address to the Addressers*,” the nature of which I am persuaded the Defendant could not be ignorant of, and if a man will continue to sell a book of this kind and cannot pretend to be ignorant—

MR. ERSKINE. My Lords, I have said nothing upon the contents of that book. I shall reserve what remains for me to urge in favor of the Defendant—

LORD KENYON. The business of the day is to examine into all the merits of this case. I wish to apprise all parties that all the business upon this subject is to be gone through.

ATTORNEY GENERAL. I have already observed that the Defendant could not be ignorant of the tendency of the publication called “*An Address to the Addressers*.” I believe he published the second Libel with as much knowledge of the tendency of it, and with the same intent. And as to the observation made by my learned friend MR. ERSKINE, or rather the question which he put to me “Whether I should think of prosecuting him for the ‘opinions which he has sent into the world with his own name to them.’” I will tell him candidly, that if he goes

to the Freemason's Tavern, or to any other such public place, where such societies are held, with this paper in his possession, and with a Label on his head or breast, with the words " Liberty and Equality " on it, and the cap of Liberty on his head, I will prosecute *even him*.

With regard to the question of a Parliamentary Reform, a subject of which the second paper treats, I can only say, that it is one which ought to be more accurately explained than I have seen it yet, before I can form a distinct opinion on it. I know it is a subject of very weighty consideration, and has interested the minds of the wisest and best people in this country; but no man should be allowed to disturb the peace of a nation which enjoys the most free and happy constitution upon earth; and for which we ought to express our gratitude to God; for I verily believe that in all this world, since he framed it, there has not been established a government which for all political blessings can be compared with our own: whosoever therefore shall endeavour, by any means, to subvert it, or lessen the esteem which the people have for it, deserves to be severely punished. For my own part, I must confess freely that as to a Reform, as it is called, of Parliament, I think it an object of such magnitude, and involving points of the greatest difficulty, that I am afraid that a man possessed of the deepest penetration and the greatest political sagacity, will never, upon that subject, be able to give us an adequate consideration for the risk of any alteration. It is said that this paper was published ten years ago, and that no complaint was then made against the tendency of it. But is the conduct of parliament ten years ago to be compared with the time when this paper was republished? The Defendant, after seeing the effect of publishing and disseminating these *pernicious doctrines* all over the kingdom, comes

forward with his paper, to assist the spirit that was then raised, without having the fairness to state that it was a paper published ten years ago. What has been the conduct of the Defendant? Why, that of *maliciously* stirring up and reviving doctrines that were dangerous to the Constitution, at a time when it was likely that, if spread, they would do much mischief. What does he mean to prove? Does he mean to say that in reality he had no seditious intention when he published this paper? Does he mean to say, that because this paper was published by the Constitutional Society, the London Corresponding Society, or any where else, that therefore his intentions in publishing the paper were innocent?—My learned friend, Mr. ERSKINE, asked me whether I should prosecute him if he had sent forth any thing with his name, concerning a Reform of Parliament. God forbid I should prosecute any man for temperately discussing that subject, or any other subject; but I will tell him as a friend, that he will deal out hard measures for himself, if he will undertake to be accountable before your Lordships for every doctrine maintained by many individuals of the Society of which he is a member, and to which he is an ornament. I will tell your Lordships freely, that if my learned friend had published this paper under all the circumstances with which this Defendant published it, I should have been a traitor to my country if I hesitated a moment in bringing him forward as a Defendant before your Lordships, as I have brought forward the present Defendant, and I now ask of your Lordships whether you think of him as I do.—As to the evidence which was preferred on the behalf of the Defendant, at the trial, I say it would have proved nothing, for it could only amount to this: that this paper was published before, by somebody else;—what has that to do with this charge against the Defendant? But your

Lordships are called upon now to hold this proposition, That it is competent to one man to publish in a court of Justice, the opinions of other people upon a Libel with a view to shew, that these other persons held the same doctrines as the Defendant. Your Lordships will see the length which this proposition leads to. If MR. ERSKINE is to be allowed this for the Defendant, I must be allowed something of the same sort for the prosecution. If he gives the opinion of some persons in favor of the paper, I shall give the opinion of Juries upon the same doctrine; and then the Defendant would be in a worse situation than if he had not offered that sort of evidence; therefore I think the learned Judge was not only right in strictness of law, but also *kind* to the Defendant in *rejecting* this sort of evidence.

The next thing to be considered, is the law upon this question. What is the present limitation of what is called the Liberty of the Press? I say that under that limitation, this paper is a scandalous Libel. I take the law with regard to the Press to be this; That you may discuss the most important points if you please. You may abuse the Constitution if you please, and the general form of our Government; provided you chuse to be answerable in a Court of Law. Now I ask, is this Paper, or is it not, a *scandalous* and *infamous* Libel, traducing and vilifying the existing magistracy of the country?—Now is this the way that the grievances of the people of this country, *if they feel any*, are to be redressed?

“ Parliaments chosen as they now are, and continuing
 “ for seven years as they now do, will ever be composed,
 “ for the most part, of a few factions, under the guidance
 “ of particular noblemen, perpetually contending for the
 “ power and emoluments of office. The common feel-

“ diery of these several factions, like that of all other
 “ standing armies, is made up of mercenaries from the
 “ most idle and profligate orders of the community
 “ Who so ill, as men of pleasure, and the vicious par
 “ of our nobility and gentry? Who so profligate, as mur
 “ dering nabobs, prostitute lawyers, and unprincipled ad
 “ venturers, who, through the iniquity of corrupt elec
 “ tions, make their way into Parliament, and there let out
 “ their tongues and their votes for hire?”

Is this treating Parliament fairly? Is this merely informing the public of a fact, or is it a temperate commentary? Is the *whole* Parliament corrupt? or are there not men among them, who by the blessing and providence of God, are such as will be praised by posterity, and perhaps make future ages wish they had such men among them as these are, to guide their counsels?—If persons will publish commentaries on Parliament let them do justice to its character and to the different men in it; and let them make a jury believe, that when they discuss any public matter, they discuss it temperately, and then a question will never arise between any Defendant and myself before your Lordships.—One sentence more and I have done. It is said that Mr. JUSTICE WILSON omitted something which he ought to have laid before the jury in favor of the Defendant. I cannot possibly conceive how that learned Judge could have done more for the Defendant than he did; for, after summing up the whole of the evidence, he asked the Jury this question. “Are you satisfied that the Defendant “ published this Paper with a seditious intent?” The Jury said they were satisfied he published it with a seditious intent, and therefore they found the Defendant guilty.

These, my Lords, are all the observations I have to submit. With regard to myself, I can only say, that I have

done my duty as my conscience has directed me, and if satisfy that, I shall not give myself trouble about what some people may think of me.

MR. ERSKINE. My Lords, am I now allowed to address your Lordships for the Defendant?

LORD KENYON. I take the rule to be, that the Advocate for the prisoner commences the case and speaks generally, either against judgment, or in mitigation of punishment, and therefore the ATTORNEY GENERAL is to speak last.

MR. ERSKINE. I apprehend, my Lords, that I am not in the situation which your Lordship seems to think I am. I think I have a right to speak in mitigation.

LORD KENYON. I think the major part of your Address, Mr. ERSKINE, was in mitigation of punishment. Almost the whole of it appeared to be so. However, as you desire it, you will now go on in mitigation of punishment.

MR. ERSKINE. That is not the point at all, my Lord, The question is, whether I am not to hear the ATTORNEY GENERAL upon the whole matter before the Court, and reply?

LORD KENYON. If there is a rule to guide the Court, and I understand there is, as I have stated, you are not, strictly speaking, entitled to proceed. We certainly shall not pronounce Judgment to day, but all the business from the Bar must be finished in this case. You have rejected the idea of moving in arrest of judgment, and if you have any thing to address to the Court in mitigation of punishment, I wish you would now be so good as to say it.

Mr. ERSKINE. The two Papers of which the Defendant stands charged, are distinct and separate. I shall not address the Court upon the first, because there are Judgments upon that publication already. I shall therefore leave my Client upon that part of his case entirely to the mercy of the Court, seeing as they do, that he has done every thing in his power to extenuate; for he discontinued the sale on the instant it was complained of. With regard to the other Publication, unquestionably he stands in a different situation, for by publishing the second Paper, he certainly meant nothing but that which as a subject of this country he thought he might legally do, not seeking to produce or occasion any of the anarchy or confusion which has been so much talked of. If I cannot say any thing further on the point of law, I must leave my Client in your Lordships' hands.

LORD KENYON. I hope that this doctrine will never go forth into the world, that a man may safely and legally publish what has been published before, provided it has not been the subject of a criminal prosecution in a Court of Justice. If any man adopts that doctrine his judgment must be very much perverted indeed. All the mischief may be done that a publication can do, if no legal steps can be taken till somebody has been arrested upon that account.

I hope that the transactions of this day, and some of the transactions of this Term, will not be quoted as the authorities for the Court to proceed by. I am extremely sorry that any thing has been applied to this case, which did not arise out of the Judge's Report. I will say nothing of the character of the late SIR JOHN WILSON, who tried these Informations; nor will I make any remarks on his Reports, but shall leave them entirely on the character which that gentleman has carried with him to the grave.

I am very sorry at some of the remarks that have been made on the reports of the Judges. The character of the Judges is public property, and if they have done any thing amiss, they ought to be censured. But if not their characters ought to be respected, otherwise the most mischievous consequences will arise to the Public. I do not aim this at any body, I assure you, but I speak it from the conviction of my own mind, and feel myself bound to say thus much.

It cannot but occur to every person's observation, that as long as parties exist in the country, (and perhaps it is for the good of the country that parties should exist to a certain degree, because they keep ministers on their guard in their conduct) they will have their friends and adherents. A great political character, who held a high situation in this country, some years ago, but who is now dead, used to say that Ministers were the better for being *now and then a little peppered and salted*. And while these parties exist, they will have their friendships and attachments, which will sometimes dispose them to wander from argument to declamation. And this is very often the case with respect to questions relating to Libels.

The present question seems to lie in the least compass in the world, and to relate to points so long and so clearly settled, that no doubt can remain with respect to them. Both the points, to my mind, appear as clear as the sun. No man ever yet doubted but that the Gazette was evidence of all matters of state. And therefore I am perfectly satisfied that the opinion of SIR JOHN WILSON formed at the trial, was perfectly correct.

Another question is, whether something or another ought not to have been admitted in evidence that was re-

refused by the learned Judge at the Assizes. And it was said that if that evidence had been admitted, it would have gone to the innocence of the Defendant. In answer to that, I can only say, that this evidence which was not admitted, is not to be found in the Judges' Report, and our determination must proceed on what appears on the face of the Report. No motion in arrest of Judgment can be made upon account of either of these two points as far as I can see. I verily believe no one man can entertain a doubt but that when four days are past, the season for moving for a new trial is over, It is competent after that, and any time before Judgment, to move in arrest of Judgment, and if the reasons which are adduced by the Counsel shall appear to the Court to have weight, they will interfere. And if when the Defendant is brought up for Judgment, and no application is made on his part, yet if the Court perceive any error in the Report, the Court will interpose, as in mercy they ought.

Mr. JUSTICE ASHURST, said he entirely concurred in opinion with Lord Kenyon on both points. I think, said he, the Gazette was as properly admitted to prove that Addresses had been presented to the King in consequence of his most gracious proclamation. And I am also of opinion that the evidence which was refused by the learned Judge on the trial of the other Information was properly rejected, It has been said that if this paper is a Libel *now*, it was also a Libel *ten years ago*. I am not certain of the truth of that proposition. *I conceive that a writing may be a Libel at one time which is not so at another.*

Mr. JUSTICE BULLER. The only two cases which apply to the present, are the KING and GOUGH, and the

KING and ATKINSON. In the first of these two cases, LORD MANSFIELD said, “ we must either grant a new trial, or defer judgment for ever.” The result of these two cases is no more than this: If you do not move for a new trial within four days, you cannot be heard at all. The only resource left is either to move in arrest of judgment; (I take it that it is good time to move in arrest of judgment at any time before judgment is pronounced) or you may address yourself to the Court in mitigation of punishment. And if in the course of that Address, the Court see that injustice was done, they will interfere, but not otherwise.

As to the question whether the Gazette is good evidence to prove that Addressees were presented to the King, I think that can hardly be made a question. At the same time I am of opinion that was an immaterial averment in the Information, and that therefore it was unnecessary to give evidence of it.

As to the second objection I think there is no force in it, but I must not enter into it, as it does not arise out of the Report, and I conceive we are bound to confine ourselves to the Report.

MR. JUSTICE GROSE was of the same opinion.

LORD KENYON. The Defendant must be remanded.

I was accordingly, as before, taken to the Kings Bench Prison — On the Wednesday following I was again brought up to receive the Judgment of the Court. — I shall make no apology, for laying before you the Speech which Mr. Justice Ashurst addressed to me previous to passing the sentence,

THE ATTORNEY GENERAL once more had the trouble of moving the Court for Judgment.

MR. JUSTICE ASHURST. DANIEL HOLT, you have been tried and found guilty on two several Indictments for printing and publishing two very atrocious Libels: the one entitled “*An Address to the Addressers*” and the other entitled “*An Address to the Tradesmen, Mechanics, Labourers, and other Inhabitants of the town of Newark, on the subject of a Parliamentary Reform.*”

The first of these Libels, alludes to his majesty's most gracious Proclamation, which is in every body's memory, and to the Addresses of loyalty sent from all parts of the kingdom in consequence of it. These loyal Addresses very much counteracted the designs of men of such a description as the author of this publication. The general tendency of this Libel is to bring his majesty's Proclamation into contempt, and to insinuate that these Addresses did not contain the genuine sentiments of the loyalty of his majesty's subjects, but that they had been set on foot by corrupt and interested men;—that the system of our Government was a system of tyranny and oppression;—and that the formation of it was radically bad, and wanting Reformation;—and that a Parliamentary Reform was to be brought about by the People only, and not by the Parliament of Great Britain. And it daringly recommends a National Convention, to be held as the proper means of Reform. This publication also tends to traduce and vilify all Kingly Governments in this and all the countries of Europe, and boldly calls on the subjects of this kingdom to insurrection and revolt: and insinuates that the example of a neighbouring nation was proper to be followed in this.

This Paper falls very little short of High treason, and certainly stands in the very first rank of sedition.

The second of these Libels most grossly and impudently

asperges the Parliament of this kingdom, and brands them with the imputation of venality and corruption, and calls for a Parliamentary Reform. As to the mode by which that Reform was to be conducted, this paper does not so largely enter into it; that had been sufficiently pointed out by the former publication, entitled "*An Address to the Addressers*," which recommends it to be done by a National Convention. The bloody advisers of such a measure have been acting a scene in a neighbouring country, which when we look upon it we have the strongest reason to congratulate ourselves on our own condition when compared with the tyranny, rapine, murder, and desolation, which have ravaged that unfortunate country.

It has been alledged, in extenuation of your *crime*, that you were not the author or the first publisher of this Pamphlet. But how does that apply in your favour?—Was it not enough that such a horrid production had been once stifled in the birth, and must you foster and nourish the unnatural and diabolical offspring, and give it fresh life and existence. Though the nation in general had shewn their abhorrence and detestation of the doctrines contained in this publication, yet you were determined to cram it down the throats of his majesty's subjects.

What has been said in extenuation for the second publication, can stand you in little stead. With respect to the subject of the publication, that it was published ten years ago, and that you only republished it, and therefore are innocent, and that it could only mean the Parliament which then existed, and not the present Parliament of Great Britain. Let any man of common sense take that paper in his hand, and say, whether the utmost extent of charity can consider it a simple innocent republication. If you had meant it in that view, why not publish it with,

the ancient title, and why not state that it was published in such a year. Tho' even if you had done that, it ought not inevitably to retain one sense; but you yourself give it a present application. You address it to the "Tradefmen, Mechanics, Labourers, and other Inhabitants of the Town of Newark, on the subject of a Parliamentary Reform." How are they to know that ever it was published before? how can they apply it but to the present existing Parliament of Great Britain? The learned Judge who tried this Information, left the case to the Jury, in a fair and candid way. He put this question to them: "Are you satisfied that the Defendant published "this paper with a malicious intent, or not?"—There could not be two opinions on the subject among *honest* men, and the jury found you guilty,

The malignity of this paper having been established by the Jury, it only remains for this Court to do its office. This Court will always know to temper *mercy* with justice where there is room for it, but here there is no palliation. As to the first of these Libels, at least, your own Counsel owned that nothing could be said for you. It behoves then, this Court to try what can be done by the severity of punishment. **AND THOUGH THERE ARE B'T SMALL HOPES OF YOUR REFORMATION,** it may at least operate to deter* others from

* How far the peculiar severity of this extraordinary Sentence may operate in *preventing others* being guilty of the same *atrocious crimes*; i. e. endeavouring to accomplish a Parliamentary Reform, I will not take upon myself to decide; but if one may frame an opinion of the sentiments of the public on this subject from the following circumstance, it appears to have at present the *direct contrary effect*:

"MAURICE MARGAROT, at a late meeting of the CONVENTION in Scotland, proposed and carried the following motion:

"That the *thanks* of this CONVENTION be transmitted to LORD KELSO

being guilty of the same *enormities*. This Court has taken the magnitude of your offence into their consideration, and this Court doth order and adjudge, that for the first Libel you pay a Fine to the King of FIFTY POUNDS, and that you be imprisoned in his majesty's jail of Newgate, for the term of TWO YEARS. And that for the second offence, you pay a further Fine of FIFTY POUNDS, and be imprisoned in his majesty's jail of Newgate for the further term of TWO YEARS, to be computed from the expiration of your first imprisonment, and that after the expiration of your imprisonment, you find security for your good behaviour for the term of five years, yourself in 200*l.* and two Sureties in 50*l.* each, and that you be imprisoned till such fines be paid, and till such Securities are found, as aforesaid.

On these proceedings in general, on the Sentence, and on the Speech which preceded it, I shall now take the liberty to make a few observations, and leave it to you, to appreciate their justice, truth and propriety.

On the sentiments, assertions, and language of the "*Address to the inhabitants of Newark*," that *scandalous, atrocious and infamous Libel*," as the Attorney General terms it, I shall make no remarks. The paper itself is before you; you will judge for yourselves. And that you may have a fair opportunity of comparing this paper, with other writings on the same subject, I subjoin in the Appendix, a copy of the DUKE OF RICHMOND'S *Letter to COL. SHARMAN*, including a copy of his *Bill for a Parliamentary Reform*. Also, Mr. PITT'S Speech on a

motion for the sentence which he passed on MR. HOLT, *as at such proceedings tend to PROMOTE the Cause of Parliamentary Reform.*"

ORACLE, December 16, 1793.

Parliamentary Reform, &c. When you have made this comparison; when you have contrasted the language and sentiments of the one, with the language and sentiments of the other, I persuade myself that you will find yourselves at a loss to make out wherein consists that superior “*enormity of my offence*,” as Mr. JUSTICE ASHURST calls it, over that of the DUKE of RICHMOND, &c. &c.—On that part of the ATTORNEY GENERAL’S Speech, where he complains that this paper brands the Parliament with the charge of “*corruption and venality*,” I also shall offer no observations, but content myself with referring you for as an answer to the *Life of Lord Chatnam*; DODDINGTON’S *Diary*; BURGH’S *Political Disquisitions*; *Political History of the Borough’s of Great Britain*; *Petition and Case of JOHN HORNE TOOKE*; *State of the Representation*, by the SOCIETY OF THE FRIENDS OF THE PEOPLE; *Petition of the FRIENDS of the PEOPLE*; &c. &c. &c.

In the course of the Speech of the ATTORNEY GENERAL, he took occasion to put this question: “Does the Defendant mean to say, that in reality he had no seditious intention when he published this Paper?” I answer, YES, I do mean to say so; and before the Bar of the British Nation I now say it again, and to the latest moment of my existence I shall continue to say, “*that IN REALITY I had NO seditious intention*” when I *re-printed* and published this Paper! I will also say, that no evidence whatever was adduced, or could be adduced to the Jury, to prove, that, in “*reality*” I had any seditious intention in publishing this Address. The averment in the Indictment, charging me with a seditious intention was not proved, or attempted to be proved, by the least evidence whatever; except indeed the ridiculous evidence of my old friend Mr. Bland, relative to the still more ri-

diculous story of the words "LIBERTY AND EQUALITY," being upon the cap of a PRINTER'S DEVIL, be taken as *sufficient evidence* of the "criminal," the "seditious" intention of my mind!!! For the sake of exciting a little risibility, I will allow that the principal is responsible for his agent; and supposing that the word "LIBERTY," meant *Licentiousness*, and "EQUALITY," *Plunder*, (an explanation candidly given by associators) yet as it was the sportive act of my servant, in mere boyish wantonness, surely no more criminality attaches itself to me on this occasion, than there would to Mr. BLAND, were his apprentice to adorn his head with the Label of one of Mr. B's *Gallipots*, the *Birmingham* motto of "CHURCH AND KING," or any other ridiculous inscription whatever!—It is really astonishing to see how this wonderful story of the PRINTER'S DEVIL and his seditious Cap, has been bandied about from Mr. BLAND to the NEWARK ASSOCIATION; from the Association to the ATTORNEY GENERAL; and, like the snowball, gathering as it rolled along. But when men have some particular purpose to serve, no matter how laughable or ridiculous the means; for

Trifles light as air,
Are to the jealous confirmations strong,
As proofs of holy writ.

SHAKESPEARE.

Leaving this *Gentleman* and his FOOLS CAP to your mirth and derision, I hasten to resume my remarks.

How the jury were conscientiously satisfied in their own minds, that I *did* publish it seditiously, when *no evidence* was produced to prove it, and when even one of the witnesses for the prosecution, stated that I declared I would not publish a Libel knowing it to be one; I say, how the

jury, with these circumstances before them, could *conscientiously* and *without* prejudice, find me Guilty of publishing with a seditious intent, is a mystery too dark and intricate for me to explain, and entirely beyond the reach of my abilities to develop.—I may lament it; I may regret that they were so easily satisfied and convinced of a thing which I KNOW never existed; which was never proved, and which consequently never can or will be proved; I may lament that so fatal a blow has been given for a time to the Liberty of the Press; that the nation more than myself is injured; I may do this but I can do no more; except thus throwing myself upon the candour and justice of the public, in the well grounded hope that they will revise the proceedings, and reverse the verdict.

The Attorney General next goes on to state this question, “Does the Defendant mean to say that because this “paper was published by the Constitutional Society, the “London Corresponding Society, (he should have said the “*Society at the Thatched House Tavern*) or any where else “that therefore his intention in publishing the paper were “innocent?” I answer YES!—If the intentions of the Society in publishing this paper were innocent—SO WERE MINE! If the intentions of the DUKE of RICHMOND in publishing this paper were innocent—SO WERE MINE!—Have not I a right to have the same favorable construction put upon my intentions, as these gentlemen have upon theirs?—But I beg pardon. Mr. JUSTICE ASHURST here steps in, and gravely tells me, “a writing may be Libel at one time which is not so at another!”—Here is the authority which reconciles the difference between my situation, and the situation of the authors of the paper; they, for writing it, are, as Mr. ERSKINE observed “basking in the sunshine of royal favor,” and I, for pub-

lishing it, am provided with a *snug* apartment on the State Side of NEWGATE, for the *short* period of—*only* TWO YEARS!!!

I now come to the speech which was addressed to me by Mr. JUSTICE ASHURST, previous to his passing sentence. Speaking of the "*Address to the Addressers*," he says, "Was it not enough that such a horrid production had been *once* stifled in the birth, must you foster and nourish the unnatural and diabolical offspring, and give it *fresh* life and existence? Though the nation in general had shewn their abhorrence and detestation of the doctrines contained in this publication, yet you were determined to cram it down the throats of his majesty's subjects." I must confess myself a little at a loss to comprehend the precise meaning of this sentence. If it means to assert, that previous to the period when I sold the "*Address to the Addressers*," it had been pronounced a Libel in any Court of Judicature, I must say that the knowledge of such an event has never reached me, and I will thank Mr. JUSTICE ASHURST to point it out. I am told on all hands, that the first conviction on this production, was that of Mr. HOLLAND, Printseller, London, who was tried and convicted at Hicks's Hall, February 23, 1793. This I am well persuaded was the *first* conviction on the Address to the Addressers; now, my information for selling this publication was filed against me sometime in *December*, 1792, TWO MONTHS PREVIOUS TO THAT EVENT TAKING PLACE; therefore it incontestibly follows, that I did not sell it AFTER it had been legally declared a Libel; and of course the high sounding charge of "fostering the unnatural and diabolical offspring," &c. &c. as applied to me falls forceless to the ground.—If the above quoted sen-

tence does not allude to a previous conviction for publishing the "*Address to the Addressers*," I confess I must give it up as perfectly unintelligible. It is indeed, true, that the *Rights of Man* had a few weeks before been declared a Libel; but what had that to do with the "*Address to the Addressers*," a distinct and separate publication. No man will say that the verdict against the *Rights of Man* was an *implicated verdict* against all the writings of MR. PAINE? The assertion is too absurd to be made by any other than fools or ideots; this being the case, what am I to make of these observations of the Judge as applied to me! But I draw no conclusions; I make no comments; LORD KENYON has said "that the characters of Judges ought to be respected," I therefore "enter not on holy ground."

I am next asked, "why I did not publish it with its ancient title, and state that it was published in such a year?"—Why this was *not* done, was no business of mine. I published it according to the order of those who employed me. I was only an Agent, a mere Printer. But, as by a "*fiction of law*," I am *supposed* to be the *primum mobile* of all this sedition, I will endeavour to give an answer. In the eye of common sense, I imagine, it is of little consequence, to whom the Paper in question was addressed, or what title was given to it, provided, not a word of the text was changed.—Would it have been less criminal had the *old* title been retained, and it had been addressed to the *Inhabitants of Nottingham* instead of *Newark*? Mr. JUSTICE ASHURST himself shall make the answer:—hear him! "Though even if you had done that, it ought not inevitably to have retained *one* sense."—Fellow Townsman, are you satisfied with the answer?

After having asked me why I did not retain the old

title, and then telling me that if I had "it would not inevitably have retained *one* sense," i. e. it would have been of no use; Mr. JUSTICE ASHURST goes on to ask, "how the inhabitants of Newark were to know that it ever was published before? how can they apply it but to the present existing Parliament of Great Britain?" Whether you knew it had been published before or not, my Fellow Townsmen, we have already seen would have been of no consequence either to you or to myself.—But the last question, viz, "how can they apply it but to the present existing Parliament of Great Britain?" you can all answer for yourselves, and your answer will be much in my favor. This Paper states, that the national Debt was at the time of its *first* publication, in 1783, *only* TWO HUNDRED AND SEVENTY MILLIONS; now every man knows, and *feels* too, especially the "*Swinish Multitude*," who commonly feel it most heavily, that taxes of all kinds have multiplied prodigiously since the year 1783, you all know this, my fellow Townsmen, to be the truth; and the periodical return of those *useful* men called *tax Gatherers* serve to keep it alive in your recollection. It is as clear, as that when you are in the field you can see the light of heaven *without paying for it*. Nothing can be plainer, than that an increase of the National Debt brings an increase of Taxes, therefore, at the beginning of the year 1793, the time when I *republished* this paper, the National Debt amounted to upwards of TWO HUNDRED AND NINETY MILLIONS; TWENTY MILLIONS *more* than what the Paper states it to be !!! Now can any man of common sense suppose, that if this Paper had been published to answer the purposes which have been so liberally ascribed to it, so favourable a topic would have been overlooked? —would it have omitted so weighty, and so *grievous* a cir-

cumstance in favor of a Parliamentary Reform? Had it been intended to apply to the present times, would it not have stated the national debt as it existed in 1793?—The argument is irresistible. It is an unanswerable proof that the paper applied to *past* Parliaments, and to *past* events only.

I shall now return my public thanks to MR. JUSTICE ASHURST for the Compliment he paid me. Whether intentional or not, is of no consequence. He did me the honor to remark, when speaking of my principles, that, “there were but small hopes of my reformation!”—What my political principles are, I believe, the public will find loosely, but candidly scattered thro’ the ill-written pages of this feeble Vindication. Such as they are, they have cost me some pains to acquire, and some anxiety to establish. I have not taken them up without deliberation, nor without the conscientious approbation of my own heart. For them I have sustained much obloquy and persecution; for them I now suffer imprisonment, and in their defence, if ever that shall be necessary, the last drop of my blood shall be shed.—Such are my principles; In an age of almost universal desertion and direktion of all principle; in the midst of unblushing political inconsistency, I think it an honor to be told from the Bench, that there “are small hopes of my reformation,” that is, *a change in my opinions*. I am proud of the compliment!—On the sentence, unexampled in the teeming annals of unrelenting legal severity, my remarks will be short. Every man of humanity will make them for himself.—One thing I shall only mention, and which no man who thinks that the *same crimes* ought to have the *same punishments*, will read without astonishment. It is this: The sentence passed upon me for selling the “*Address to the Addressers*” exceeds in severity, that passed

upon MR. SYMONDS and MR. RIDGWAY, the *original* publishers of this production, by one year of imprisonment and by an additional Fine of thirty Pounds : their sentence *for the same offence* being *only* one years imprisonment and a fine of twenty pounds each !!!

Such are the proceedings, and such are the consequences of those proceedings which have taken place against me, at the instigation of a set of men, whom I blush to call my Fellow Citizens!—Malicious, unfeeling, infatuated men!—In the midst of your infuriate zeal to ruin my interests, and accomplish the overthrow of so obscure an individual as myself, you perceive not the “strong rod of iron,” which ye are forging for yourselves, or your innocent posterity! Blinded by interest and passion, ye cease to remember, *that persecution is ever the forerunner of despotism*, and that, *oppression usually recoils on the head of the oppressor!** Whilst ye are thus foolishly persuading yourselves that ye are laudably employed in supporting by oppression a constitution which uniformly disclaims it; ye are effectually sapping the foundations of Liberty, and paving the way for the introduction of tyranny, and the aggrandisement of a few artful, unprincipled individuals at your own expence. If such measures continue, a few years will feelingly convince you of the folly and iniquity of your unmanly conduct. If such should be the case, ye will then *know, that instead of supporting the Liberty of your Country, ye have been employed in forging fetters for yourselves!!!*

Adverting to the consequences of these trials, I should suppose, every reasonable man would have thought that

* Who fills the Cup of Woe for others Taste,
Shall drink the baneful Draught.

the law of Libels, from its uncertainty, was sufficiently oppressive before, without these Associators combining together to render it still more so. Though the Liberty of the Press has recently received some addition from the exertions of Mr. Fox, yet the *Law of Libel*, still stands much in need of explanation. This Law, as it now is, and as it is at present enforced by Associations, operates in some measure like the Excise laws; but tho' like them, in many of its prominent features, yet it is not equally intelligible clear and distinct. The *Publican*, the *Malster*, the *Starch Manufacturer*, and *Soap Boiler*, know, and can immediately ascertain, the precise limits of the Excise-man's attention. They know the bounds of the law, and cannot through ignorance easily infringe it. But Book-sellers and Printers possess no such guide. The law has not made this *crime* specific, therefore they are ignorant when they are right, or when they are wrong. The law of Libels is so involved in obscurity, so uncertain in its operations; so various and changeable at different times; at different times so unintelligible and contradictory; that no man, however great his abilities, or however vigorous his understanding, has yet been found competent to give a true definition of the word LIBEL, as he finds it used at various times in the proceedings of the English Courts of Law. What has been a false, scandalous, wicked and seditious Libel at one period, at another has been considered as a master piece of human genius; as containing the truest principles of Government, and the finest, and most rational principles of Liberty. The immortal work of ALGERNON SYDNEY is a striking instance of the truth of this observation. This work, which in its day, excited as much clamour, and more *fatal* persecution than the celebrated "*RIGHTS OF MAN*;" is now universally esteemed, admired and quoted, and publicly

fold, *at present*, in all Bookfellers' shops in the nation. I say *at present*, because in the same system of defining Libels continues, which convicted me of printing a Libel *ten years after its original publication*, this famous production of Sydney may again become a Libel, and as the Associates cannot *behead* its virtuous author *over-again*, who knows, but they may dig up his bones, and hang them on a gibbet, or "*transport them beyond seas, for the space of FOURTEEN YEARS*"*!!! Amidst all this ambiguity and perplexity, how can it be expected that *illiterate* Bookfellers, unskilled in the *mysteries* of "*legal lore*," shall succeed, where there have been such a contrariety of opinions and decisions, and where so many men of the highest legal talents have failed.

If these wretched, mischievous Associates are to have not only a local, but a general jurisdiction; if they are thus to ruin or restrict the Liberty of the Press, as suits their inclinations or their interests; surely they would have acted less like *Inquisitors* had they drawn out for the Bookfellers the line of their duty, or pointed out what were the precise limits which a Printer could not pass with impunity. Had they understood the *constitutional definition* of the word "*LIBEL*," or had the least drop of the "*milk of human kindness*" flowed in their veins, this conduct would have been adopted.—But it seems they know as little of the Constitution, and as little of humanity, as the Constitution and humanity know of them;—which is but little indeed!—If this prosecuting system is to continue, in the name of Justice and Common Sense, why are Bookfellers to be denied that rule for the regulation of their conduct, which is given to the rest of their Fellow Citizens! For God's sake, if we are thus

* See the extraordinary trial of THOMAS MURR, Esq.

to lose our Liberties, if we are thus to be dragooned into despotism by associators, put the Press under the immediate controul of *political Excisemen*, that Printers may be no longer oppressed in such an unfeeling inquisitorial manner! This perplexity, in which all Booksellers and Printers are involved, is still further increased by the contrariety of the decisions, *on the very same causes*, which have taken place all over the country within the last twelve months. In the month of December, 1792, in *London*, PAINE'S WORKS were pronounced Libels by the verdict of a Jury.* At the same place, in June and July following, they lost their criminality and became innocent.† Leave *London* and proceed to *Colchester*,‡ they are still innocent. Cross the country, and when we arrive at *Warwick*, "strange to tell," we find them both *innocent and Guilty*||! Proceed to *Leicester*§, and there we find

* Messrs. SYMONDS, RIDGWAY, and HOLLAND, were convicted of selling the popular pamphlets of THOMAS PAINE, and the JOCKEY CLUB. For these offences the two first were sentenced to *four Years* imprisonment and fined 200*l.* each!!!—Mr. HOLLAND; for selling the *Letter to the Addressers*, was sentenced to one years imprisonment, and to pay a fine of 100*l.*

† Mr. D. I. EATON, for selling Paine's *Rights of Man*, and the *Address to the Addressers*, for the one was found "*Guilty of publishing, but without any criminal intention!*" For the other he was found "*guilty of publishing the pamphlet!*" By both these verdicts, *as they found him guilty of being innocent*, he has been of course acquitted.

‡ At this place a Bookseller was acquitted for selling PAINE'S WORKS.

|| At the last Spring Assizes, at *Warwick*, Mr. THOMPSON, was acquitted for selling PAINE'S WORKS. At the same place, the following Assizes, Messrs. PEART and BELCHER were convicted of selling them, and sentenced to three months imprisonment!

§ Mr. PHILLIPS, the Printer of the LEICESTER HERALD, was found

them criminal indeed!—Travelling North, when we arrive at *Newark*, we find them *most atrociously* criminal again! Proceed to *Derby**, we find them changing sides once more, and pronounced perfectly harmless! Directing our course to *Knutsford*, we find them still innocent; but leave *Cheeshire* and cross the *Severn*, and behold at *Bridgewater*† we find them criminal again!!—Thus it ap-

guilty of selling the works of THOMAS PAINE, &c. at a time that they were sold by all his brother Bookfellers of the same place, and sentenced to imprisonment for *eighteen months*! part of which the public papers inform me has been spent in a *dungeon*!!! It should seem that MR. PHILLIPS's real offence is, being the Printer of a Patriotic Newspaper!

* Last assizes, a Bookfeller was acquitted at this place for having sold PAINE'S WORKS.

† At this place, the last Summer assizes, Messrs. Robinsons, men of most respectable character, very eminent Bookfellers in London, and perhaps the greatest Bookfellers in the world, were tried for selling the second part of PAINE's *Right of Man*. It appeared by the evidence of one Pile, a bookseller and distributor of newspapers, of Norton near Taunton, that in November last he had ordered from Mess. ROBINSON, three copies of the book in question, 'two of which he delivered to his employers,' but being threatened by some gentlemen of the county, with, "*hanging, transportation, or being sent to the devil,*" if he did not give up the persons from whom he had procured them, he locked up the remaining copy, determined not to sell it, and applied to an *Attorney* for advice, to whom he shewed the book; which the said *Attorney* keeping in his possession, wrote up to the Solicitors of the Treasury! upon the delivery of this book, the prosecution was commenced. The bill of parcels and note for payment were produced in Court.—Pile declared, that he received from Mess. ROBINSON in July 1792, several copies of THE PROTEST AGAINST PAINE'S RIGHTS OF MAN, (a strong constitutional pamphlet) which they requested him to distribute, gratis, wherever he thought they might be of service. The defendants produced no evidence, relying their cause upon their not wilfully or intentionally sowing sedition, but merely selling a pamphlet in the course of their immense business, which was then in general sale. MR. BOND made an excellent speech in their favor, which he delivered with peculiar energy, but the Jury found a verdict *Gilty*!!! The sentence passed upon these four Gentlemen was, that each fine should be paid

pears, that what is *law* in *one part of the land*, is not law in *another* !—I presume this is what has so often been called “THE GLORIOUS UNCERTAINTY OF THE LAW !” —Glorious indeed to Counsel and Attornies !! “*It may be sport to them, but it is death to us.*”—All this may be very fine, very legal, and very constitutional, but for the soul of me I cannot perceive much of the glory of Common Sense in it !

I have now undergone three different prosecutions for printing and publishing “false, scandalous, wicked and seditious” Libels, and after all this wonderful experience I am still as much at a loss as ever, to determine with safety and precision, what it is that constitutes a Libel ! In this state of uncertainty, I know not what to print, or what to sell ; what to receive, or what to reject ; and, unless something is speedily done by the legislature, either to indemnify Printers and Booksellers, for having printed or sold books of *ten years* standing, or to fix the precise limits of a Libel, the Liberty of the Press will be totally annihilated, and the business of a Printer and Bookseller, imminently dangerous, and highly imprudent to follow. By the decision against me for printing the “*Address to the inhabitants of unrepresented towns on a Parliamentary Reform,*” it seems that a book may be perfectly innocent for the space of *ten years* and then be deemed, a “*false, scandalous, wicked and seditious Libel*” !!! The respectability of the men who first introduced it into the world, it appears is no security for its future protection ; and what adds to the *singularity* of the measure, those very men, in part, may afterwards become its prosecutors, and, literally speaking, *their own Informers* ! If there is any

by him who made out the bill of Parcells, and the other three in 50l. each !!!

guilt in the case, it surely rests with the *authors* of the paper in question, and *not* with the *printer* ! It therefore follows, that the Committee at the Thatched House Tavern, and the consistent Mr. PITT amongst the rest, ought to have been prosecuted for writing and publishing a "*false scandalous, wicked and seditious Libel*," and sentenced to imprisonment instead of myself. It they had not written it, I could not have published it, therefore the *guilt* rests with them, and with them alone !—It would be a curious circumstance to see *the prime Minister of this Country*, tried, sentenced to imprisonment, and obliged to find sureties for his good behaviour, for publishing a Libel on the Constitution !!! Whether this ought not to have been the case, I leave to the determination of my readers.

Had I been permitted; I should have stated to the Jury at Nottingham, the motives of my conduct. This opportunity I could not embrace; but to you, my Fellow Townsmen, I can now state them. I solemnly declare, then, that in selling this pamphlet, and in printing this paper, I was influenced by no "*wicked*," no "*seditious*" motives, but vended the one in the common course of business, along with pamphlets of every description; and printed the other, with no other view, than to procure a subsistence for myself and my family. I ask any man of common sense, and common honesty, if he can suppose I meant to stir up *anarchy, confusion, or rebellion*, by this conduct ! I will ask him still further; can he for a moment imagine, that I, whose very existence as a tradesman depends solely on the continuance of peace and internal tranquillity, could seriously wish to introduce a civil war into the country, in which perhaps my dearest connections, or my own life, might have fallen a sacrifice to the sanguinary passions of a misguided mob ! No man, I am persuaded, can suppose it for a moment. All that I ever

wished desired, or contended for, was a peaceable, but RADICAL PARLIAMENTARY REFORM ; which I have ever conceived would effectually remove those grievances, of which I believe few men except Placemen and Pensioners, will deny the existence. *Reformation*, not *Revolution*, ever has been, and ever will be my object, as far as my private sentiments, and the influence of my Newspaper could or can extend. From the legal and peaceable attainment of this important measure, a measure pregnant with so many blessing to the whole community, I never as a private individual, will be diverted, I have embraced it from choice, from conviction, and from a principle of duty ; and *persecution, imprisonment, or compulsion*, shall never oblige me to abandon it.—But in selling this pamphlet, and in printing this paper, which were done in the regular course of trade ; the criminality of my intention was no more apparent, than it would be in a Cutler unknowingly to furnish an Assassin with the instruments of death. The *mere act of selling* these things, no more proves the improper intention of my mind, than my selling the ALCORAN, proves me to be a believer in the doctrines of MAHOMET ; or vending the writings of PYTHAGORAS convicts me of being a believer in the transmigration of souls !—These inferences are so extremely obvious that they must have been perceived by my enemies themselves, tho' it has not yet suited their interest to acknowledge them.

I interested and artful Associators, knowing the contrary all the time, have anxiously endeavoured to confound what I *sold* with what I *thought* :—my conduct, as a *Bookseller*, with my principles as a *man* !—With this object in view, they have sought every occasion to

“ Infer the *motive* from the *deed*, and shew,

“ That what I *chanc'd*, was what I *meant* to do.”

POPE.

This with some, has succeeded most wonderfully, and the Alarmists, and political hypocrites of the day, have branded me with the silly epithets of *sedition*, *turbulent*, *Leveller*, &c. &c. What is meant to arise from all this *political cant*, is no hard matter to determine.—'Tis merely a "*Tub thrown out to the Whale*;" a *Will with a whisp*, to lead the Swinish multitude astray from their avowed purpose of procuring a quantity of *clean straw*, and making their *sty a little* more comfortable and *easy*!—If, by applying these political watchwords to me, the Association intend to charge me with holding opinions contrary to their own; that is, if they mean to charge me with being an enemy to public corruption, extortion, and oppression; I plead guilty to the charge, and frankly confess that to these things I am indeed an enemy. If to endeavour to accomplish in a peaceable and legal manner, a more fair and adequate representation of the people;—if a desire to obtain a more impartial taxation, and abolition of the Game Laws,* Press Warrants, and Test Acts; and the reduction of useless places and enormous pensions;—if a wish to see all these things accomplished, be *sedition*, the measure of my iniquity is full, for here my sedition knows no bounds, but the bounds of the law.—If they intend by that wonder-working word, *Leveller*, to insinuate that I am an advocate for that *wild* visionary scheme of *Equality*, which Mr. Reeves and his gang, are studiously anxious to make the

* At the very moment that I write this, there is a man in the KING'S BENCH PRISON, who has been confined there *seven years and eight months* for the costs of a prosecution commenced against him by a Nobleman for being guilty of the *high and atrocious* Crime of having a *dead HARE*, in his possession!

If the Associators wish for any further remarks on these *mild, just and equitable* Laws, I refer them to their favourite author, Judge BLACKSTONE.

people of England believe consists in an equalization of property;—if they mean to stigmatise me with holding such nonsensical opinions; I shall only answer, *that they know me better than to believe them.*—That I am a friend to “EQUALITY,” and the “RIGHTS OF MAN,” properly so called, I am happy to have so public an opportunity of acknowledging. And that my *old Friends*, the Associates, may not have it in their power to torture and pervert these expressions any more, as far as they relate to myself, I shall here give them what I conceive to be their meaning. It is then my firm conviction, my most decided opinion “that all the Citizens of a free State, (who have not forfeited it by Crimes) ought, and it is *their* “RIGHT AS MEN, to enjoy an EQUALITY OF “LIBERTY, an Equality of protection from the Laws, “and an Equality in the right of protecting them in Return. The inequalities of Inheritance, and those arising “from superior Industry, superior Education, or superior “Enterprize, are inequalities essential to the very existence of Society: but all unnecessary Inequalities of “positive Institution, which affix Disgrace, and Disqualification, on mere speculative Differences of Opinion, “or on inferiority of Possessions, are subversive of the “social Compact, tend to create Jealousies against Governors, and to propagate and augment those Dissensions, which are a disgrace to our Times.”*

As my poor NEWSPAPER has been the *unfortunate* means of procuring me so much honorable notice from the “powers that be,” permit me to say a few words on that subject.—The motives which first induced me to publish the NEWARK HERALD, were I will frankly con-

* See the marly and constitutional resolutions of the Justices of the Newark Division Dec. 10, 1792; in the NEWARK HERALD Jan. 2, 1793

self, a desire to benefit myself in a pecuniary point of view and at the same time to contribute as far as the influence of such a medium could extend, to the support of public and Constitutional freedom. In such a populous, opulent, and commercial neighbourhood as that of NEWARK, I conceived a Newspaper would be a great public advantage, and consequently highly acceptable to a very large part of the community. I laid the foundation of this paper, on the broad, honest basis of Impartiality, and, if ever any particular attachment has yet been discovered in it, it is an ATTACHMENT TO THE RIGHTS OF THE PEOPLE. A paper conducted on such liberal principles, was certain of receiving every species of abuse and opposition from those who were at all hostile to such an undertaking, either from personal, servile, or interested motives. Accordingly from the mean dependants of a alarmed aristocracy, it received the homage of their fears, through their outrageous clamour against it. Nothing was left undone, which malice, meanness, or envy could suggest, to suppress the Paper, and prevent me from procuring an honorable subsistence by my own profession.—My political principles were assailed in every shape. In this stage of the business, I took up arms in my own defence, and stated these principles* to the public. The public decided between

* “As the enemies of Liberty, the Envious, and the Malicious have industriously endeavoured to misrepresent and vilify, the political principles of the PRINTER OF THE NEWARK HERALD, he gladly embraces the present opportunity of stepping forward his own vindication; and as the public profession of political sentiments is now so general, it may perhaps appear necessary that his should also be laid before the public. Instead then, of being an enemy to the Constitution of this Country, as has been reported of him, the Printer spontaneously and unequivocally asserts, that he is most sincerely attached to it as it was originally and uncorruptedly created.—He admires its structure, he warmly approves its spirit, and he rejoices in looking back and contemplating its beneficial

me and my enemies, and determined the cause in my favor. The patronage of the paper from that moment encreased and has since encreased far beyond my expectations. Indeed the NEWARK HERALD is so well established and so extensively approved by the public, that my enemies may now bid adieu to all hopes of its speedy downfall.

“ effects;—but at the same time he laments the abuses that have imperceptibly crept into so fair a system, and he fervently wishes to see them reformed. In expressing this wish, he is influenced by no improper, no *sectional* motives. He thinks to reform will be to save; to repair, will be to prevent the edifice falling into ruin; and to concede, will be to conciliate the affections of the People, and ultimately prevent, not occasion, convulsion. These important objects he hopes to see accomplished, in a legal, liberal, and peaceable manner. In this hope he is further encouraged from knowing, that the powers of the Constitution are fully adequate to its reformation.—In cherishing these sentiments, and in publicly avowing these opinions, he is persuaded he is acting as a firm and sincere friend to the real interests of his country. In the rational, temperate, and lawful pursuit of this object, and in his efforts for the preservation of that sacred palladium of English Liberty, the FREEDOM OF THE PRESS, no offer of emolument from the venal, no dread of vengeance from the powerful, no fear of threats (*for threats have been used*) from the corrupt and the arbitrary, shall ever deter him. —Such are his political opinions—and conformable to these opinions, he trusts, has been his conduct as PRINTER OF THE NEWARK HERALD.—Warmed and animated with the Freedom he enjoys in his own Country he has ever cordially rejoiced to mark the extension of general Liberty to the rest of his fellow men; and has exulted with the characteristic feelings of an Englishman, when it has been his grateful province to record the fall of Despotism, or the defeat of Tyranny.—In relating those great and astonishing Events which have recently passed before the public eye,—events in which the dearest interests of human nature have been involved—he has endeavoured to be copious, he is convinced he has been impartial, and he is certain his information has been derived from the best sources. In detailing also the important occurrences at home, he is conscious no attachment to Party has ever yet been discernible in his conduct, except, indeed, an attachment to that Party to which he publicly avows his adherence,—THE PARTY OF THE PEOPLE.”

NEWARK HERALD, Jan. 2, 1793.

Here, my Fellow Townsmen, I should close this long address, did there not remain one interesting charge for me to answer, and which I now feel it will be both pleasing and honourable for me to do.—It is this—I am accused of being, as an inhabitant of NEWARK, a *party man*!—I plead guilty to the accusation! The INDEPENDENT INTEREST of my native place; has ever had, and ever will have, my warmest wishes, and my firmest personal support; as far as the wishes and the exertions of so obscure an individual as myself can go.—Composed of men of the first character for integrity and the love of Liberty; struggling in the cause of local and general Freedom, and successfully exerting themselves to emancipate their fellow Townsmen from the trammels of aristocracy, it is an honour to belong to such a party, and I glory in the distinction! Ever since my mind could discriminate between Liberty and Slavery, I have been zealously attached to this party from principle and inclination.—I am *now* attached to it by a tie *almost* as binding—THE TIE OF GRATITUDE!—Some little time subsequent to my late trials, unknown to, and unsolicited by me, the Gentlemen of this party subscribed and applied to my use, a very handsome sum towards defraying the enormous law expences of my various prosecutions*! Such an uncommon instance of liberality and public spirit; in so small a circle, I feel the greatest possible degree of pleasure in making public; it reflects the highest honour on those who raised it, and to me it is peculiarly flattering. To have my conduct and principles so approved, and my slender efforts in the cause of Freedom, so rewarded, more than overpays years of imprisonment:

* I should think myself the most ungrateful of men, were I to omit this public opportunity of also returning my warmest acknowledgments to a Society of Gentlemen of Newark and the neighbourhood, for their flattering and disinterested present of FIFTY POUNDS!

it makes even confinement a pleasure. It is an honour of which I shall ever be proud, and a gift for which I shall ever be grateful !—I now leave it to you, my Fellow Townsmen, to contrast the conduct of this party, with the conduct of the *humane* Associators ;—to mark the unfeeling vindictive malice of the one in pursuing an innocent victim to destruction, and the generosity of the other in snatching him from ruin ;—I leave it to you to draw this contrast, and then say, to which party I ought to be attached !

In speaking thus warmly of one party, it would give me extreme uneasiness were it thought for a moment that I intended to reflect *indiscriminately* on the other. In that party I know many characters who are ornaments to human nature, who possess the utmost liberality of sentiment, and whose manners and conduct have secured them the esteem of the whole town. God forbid I should reflect on characters like these ! It is only on the mean, the malicious, the unprincipled and the servile, that I wish to fix that odium to which the turpitude of their conduct so justly entitles them ; and that odium I believe has been already fixed on their heads by an indignant public. In the hands of that public I therefore leave them, well-assured, that their flagitious proceedings, will finally meet with the contempt, detestation, and abhorrence of all honest, disinterested men.

And now, my Fellow Citizens, having detained you so long on these topics, it is high time I wound up the thread of my narrative, and put an end to all further efforts of your patience. I beg pardon for being, I fear, too prolix, minute, and desultory ; and I would also apologize for the too glaring inaccuracies of my language, and the various inelegancies of my style ; did I not know that your candour and liberality are more than adequate to overlook the deficiencies of both. My object has been to tell a

“*round unvarnished tale*”; I have told it to the best of my ability; had I known how, I would have told it better. Such as it is, I leave it with confidence to you; assured, that however you may dislike the *manner*, you will not fail to do justice to the *matter* contained in the preceding pages.—You will do justice between me and my enemies. By your decision I shall implicitly and with pleasure abide convinced that it will be the decision of Truth and Impartiality. Believe me, this is not the language of unmeaning complaisance, but the genuine effusion of pure respect and gratitude. To you in particular, my Fellow Townsmen, I principally owe my flattering success in business, and to you it is, that I chiefly look up for future support. Your good esteem, next to the approbation of my own heart, is all I am ambitious to acquire, and should you determine that my conduct entitles me to your regard; should you pronounce that I have honorably suffered in the sacred cause of LIBERTY, my happiness will be then complete. The *Persecutions* I have already had the honor to experience, are, and ever will be, my pride and exultation, as they have been occasioned by an attachment to that best of all causes; the cause of all mankind—THE CAUSE OF FREEDOM! Imprisonment I shall henceforth unceasingly consider as the most fortunate event of my life, if it is the means of securing me your approbation,

With sentiments of the purest respect, esteem and gratitude.

I remain, Fellow Townsmen,

Your obliged and very faithful

Humble Servant,

*First Year of Imprisonment, } DANIEL HOLT.
NEW GATE, Jan. 21, 1794. }*

APPENDIX.

No. I.

A LETTER

FROM

HIS GRACE THE DUKE OF RICHMOND,
TO LIEUTENANT COLONEL SHARMAN;

TO WHICH IS SUBJOINED

A COPY OF HIS GRACE'S BILL,

FOR A

Parliamentary Reform.

“SIR,

“I have been honored with a Letter from Belfast, dated the 19th of July last, written in the name of the Committee of Correspondence appointed by the delegates of forty five Volunteer Corps assembled at Lisburn on the 1st of the same month, “for taking preparatory steps to forward their intentions on the subject of a more equal Representation of the People in Parliament,” and signed by their secretary, Henry Joy, jun. Esq.

In this letter, after shewing the corrupt state of the Boroughs in Ireland, the general opinion of the people that the Constitution can be restored to its ancient purity and vigour by *no* other means than a Parliamentary Reform, and informing me of the steps which have been taken and are taking by the Volunteers, in determining to procure this desirable object, the Committee is pleased "to request my sentiments and advice as to the best, most eligible and most practicable mode of destroying, restraining, or counteracting this hydra of corruption, Borough influence, in order to lay my opinion before the provincial assembly of delegates which is to be held at Dungannon on the 8th of September next."

This great mark of confidence, from gentlemen in whom so much trust is placed, does me great honour; for as I have not the pleasure of being personally known to any of them, I can owe it but to the favourable opinion they are pleased to entertain of my constant and zealous endeavours in the public service.

I am sensible that the only proper return I can make for this honorable distinction, is to obey their commands in the best manner I am able; for although my insufficiency for so arduous a task would afford me but too good an excuse for declining it, yet I feel it would be inconsistent with my ideas of the obligation every man is under to serve the public as well as he can; if I was to refuse giving my opinions, such as they are, when thus called upon by a respectable body of gentlemen.

Besides my inability, I have to regret the want of time to collect and arrange my thoughts in such a manner as to be fit to appear before you, and the necessary limits of a letter, which will not admit of the extensive investigation which a subject of this vast importance deserves; for al-

though I fear I must be long, I am sensible I cannot do it justice.

The subject of a parliamentary reform is that which of all others, in my opinion, most deserves the attention of the public, as I conceive it would include every other advantage which a nation can wish ; and I have no hesitation in saying, that from every consideration which I have been able to give to this great question, that for many years has occupied my mind, and from every day's experience to the present hour, I am more and more convinced that *the restoring the right of voting universally to every man, not incapacitated by nature for want of reason, or by law for the commission of crimes, together with annual elections*, is the only reform that can be effectual and permanent. I am further convinced that it is the only reform that is practicable.

All other plans that are of a palliative nature have been found insufficient to interest and animate the great body of the people, from whose earnestness alone any reform can be expected. A long exclusion from any share in the legislature of their country has rendered the great mass of the people indifferent whether the monopoly that subsists, continues in the hands of a more or less extended company ; or whether it is divided by them into shares of somewhat more or less just proportions. The public feels itself unconcerned in these contests, except as to the oppressions it endures, and the exactions it suffers, which it knows must continue so long as the people remain deprived of all controul over their representatives. This indifference of theirs, when the last attempt was made for additional county members, was used by your opponents as an argument against all reform ; it was asked with a triumphant air, where are the petitions from the inhabitants of Birmingham, Manchester, Halifax, and other great unrepresented towns ? And their silence was deemed a proof of

their acquiescence and satisfaction in the present form of elections! The truth is, that the people have been so often deceived, that they will now scarcely trust any set of men; and nothing but self-evident conviction, that a measure tends effectually to the recovery of their rights, can or indeed ought to interest them in its favor.

The lesser reform has been attempted with every possible advantage in its favor; not only from the zealous support of the advocates for a more effectual one, but from the assistance of men of great weight both in and out of power. But with all these temperaments and helps it has failed. Not one profelyte has been gained from corruption, nor has the least ray of hope been held out from any quarter, that the House of Commons was inclined to adopt any other mode of reform. The weight of corruption has crushed this more gentle, as it would have defeated any more efficacious plan in the same circumstances. From that quarter therefore I have nothing to hope. It is from the people at large that I expect any good. And I am convinced that the only way to make them feel that they are really concerned in the business, is to contend for their *full, clear and indisputable rights of universal representation*. I call them such, not only from my own conviction, but from the admission of the friends to the more moderate plan, who in the second address of the Yorkshire committee to the people, confessed that our claims are founded on the true principles of the constitution, and only object to them on account of impracticability. But their plan has now had a fair trial, and (if it is from the inclination of parliament that practicability is to be expected) has been found as impracticable as ours. The more extensive plan, at the same time that its operation is more complete, depends on a more effectual support, that of the people.

I am also persuaded that if the scheme for additional county members had proceeded any further, infinite difficulties would have arisen in adjusting it. Neither the Yorkshire committee nor Mr. Pitt have the detail of their plan. A just reparation would have been a most intricate task, for where different interests are separately represented, the proportion is not very easy to ascertain. The doubt you state concerning this mode of reform appears to me well founded; a few great families might divide a county between them and chuse the members by a house list, like East India Directors. Another difficulty from the increase of the number of Members which might render the house more tumultuous than deliberative, as its weight. But the greatest objection, in my opinion, to this and to every other narrow and contracted plan of reform, is, that it proceeds upon the same bad principle as the abuse it pretends to rectify; it is still partial and unequal; a vast majority of the community is still left unrepresented! and its most essential concerns, life, liberty and property, continue in the absolute disposal of those whom they do not chuse, and over whom they have no controul. In the arrangements of plans of this kind there is no leading principle to determine that the addition ought to be, one hundred, fifty, or two hundred; that the allotment should be according to the population, property, or taxes paid in each county if that any supposed proportion between the landed and trading interest is the just one, and that the division of county and city members will correspond with this proportion when found. All is at sea without any compass to enable us to distinguish the safe from the dangerous course.

But in the more liberal and great plan of *universal representation*, a clear and distinct principle at once appears that cannot lead us wrong. Not conveniency but right:

If it is not a maxim of our constitution, that a British subject is to be governed only by laws to which he has consented by himself or his representative, we should instantly abandon the error ; but if it is the essential of freedom, founded on the eternal principles of justice and wisdom, and our unalienable birth-right, we should not hesitate in asserting it. Let us then but determine to act on this broad principle, of *giving to every man his own*, and we shall immediately get rid of all the perplexities to which the narrow notions of partiality and exclusion must ever be subject.

In the digesting a plan upon this noble foundation we shall not find any difficulty that the most common understanding and pains will not easily surmount. It does not require half the ingenuity of a common tax bill ; and as a proof of this assertion I myself drew the form of a bill for this purpose, which I presented to the House of Lords in 1780 ; not as a perfect work, but merely to shew how easily the objections to the practicability of the plan, and the inconveniences that are suggested, might be got over.

I believe the sending you a copy of my bill will be the best way of explaining its operations. I have not one ready at this moment, but it shall soon follow this letter.

I shall therefore only mention at present a few of its provisions, which I think entirely remove the most plausible objections that have been urged against it.

The present number of Members in the House of Commons is preserved, so that all apprehension from too numerous an assembly ceases.

An account of the whole number of males of age in the kingdom is to be taken and divided by the number of members to be sent, which will find the quota of electors

to chuse one member ; from the best accounts I can now get, it will be about *two thousand and six hundred* ; these are to be formed into districts or boroughs from the most contiguous parishes ; and by having all the elections throughout the kingdom in one and the same day, and taken in each parish, all fear of riot and tumult vanishes,

The great expence of elections, which arises chiefly from the cost of conveying electors to the place of poll, and entertaining them there and on the road, will be no more when every man will vote in his own parish. Bribery must entirely cease ; in a single borough it would be difficult on so many as to have any effect, impossible. The numbers to be bought would be infinitely too great for any purse. Besides, annual parliaments, by their frequency and by their shortness, would doubly operate in preventing corruption.

The vast expence of petitions to parliament on account of illegal returns, would be reduced almost to nothing. The points on which these contests generally turn, are the qualifications of the electors under the numberless restrictions the present laws have imposed, which require the attendance of witnesses, the production of records, and are subject to infinite dispute. But when no other qualification shall be necessary but that of being a British subject, and of age, there can be but little left to contend upon as to the right of electors to vote. All other questions, that could afford ground for a petition would be trifling, and might be decided in one day. Many other objections are obviated by the bill, but it is needless here to mention them.

But there is another sort of objection against which no provision can be made, as it is merely imaginary. It is feared by some, that the influence of power and riches

will give to the aristocracy so great a lead in these elections as to place the whole government in their hands. Others again dread, that when paupers and the lowest orders of the people shall have an equal vote with the first commoner in the kingdom, we shall fall into all the confusion of a democratic republic. The contrariety of these two apprehensions might of itself be a sufficient proof that neither extreme will take place. It is true, that the poorest man in the kingdom will have an equal vote with the first, for the choice of the person to whom he trusts his all; and I think he ought to have that equal degree of security against oppression. It is also true, that men of superior fortunes will have a superior degree of weight and influence: and I think that as education and knowledge generally attend property, those who possess them ought to have weight and influence with the more ignorant. But the essential difference will be, that although the people may be led they cannot be driven. Property will have its weight, as it ever must have, in all governments; and I conceive, that in this plan it will precisely find its just proportion combined with talents and character. A man of great property that is beloved and esteemed, will, as he ought, have the greatest sway; but tyranny and oppression though attended with riches may be resisted, and will no longer be attended with a burgeut tenure at command.

Another subject of apprehension is, that the principle of allowing to every man an equal right to vote tends to equality in other respects and to level property. To me it seems to have a direct contrary tendency. The equal rights of men to security from oppression, and to the enjoyments of life and liberty, strike me as perfectly compatible with their unequal shares of industry, labour and genius, which are the origin of inequality of fortunes. The equality and inequality of men are both founded in

nature; and whilst we do not confound the two, and only support her establishments, we cannot err. The protection of property appears to me one of the most essential ends of society; and so far from injuring it by this plan, I conceive it to be the only means of preserving it; for the present system is hastening with great strides to a perfect equality in universal poverty.

It has been said, that this plan of extending the right of voting to every individual creates much uneasiness in the minds of quiet and well disposed persons; and that if paupers, vagabonds, and persons of no property, were left out, there would be no objection to extend it to all householders and persons paying taxes, and that the same division into districts might take place. My answer is, that I know of no man, let him be ever so poor, who in his consumption of food and use of raiment, does not pay taxes, and that I would wish to encourage an enthusiasm for his country in the breast of every subject, by giving him his just share in its government, I readily admit, that such an alteration would be a vast improvement; but I must prefer the adhering rigidly to a self-evident principle, especially when attended with no inconvenience in the execution, that I can foresee. Besides, we should again fall into the difficulties of drawing the line of separation, and into the disputes about qualification,

The apprehensions that our government will become too democratic, have been urged on another ground. It has been said, that the House of Commons has usurped the whole power of government: that the crown in reality no longer possesses its negative, and must in all things be ruled by the House of Commons: that the House of Lords, in consequence of its exclusion (by the will of the House of Commons and not by law) from interfering in money bills, no longer in fact exercises the functions of a

branch of the legislature : that the only means by which the balance of the constitution is now in any degree preserved, is by the *irregular* influence of the crown and of the Peers in the House of Commons : and that if they are excluded from interference there, as it is supposed will be the case if this bill passes, and are not restored to their original share of power, the equilibrium will be destroyed, and the Government become purely democratic.

To remedy this objection, it has been answered by others, that it is but just and reasonable, and that they mean at the same time that the Commons are restored to their rights, that the Crown and the Peers should recover theirs. This answer has been ridiculed in my opinion with more wit, than solidity of argument. It has been represented as admitting that whilst the House of Commons continue corrupt, the King and Lords should submit to its decisions ; but that when it should really speak the voice of the people, then it would be right to revive the dormant powers of resisting it.

For my part I agree in opinion with those who are for restoring to all parts of the state their just rights at the same time ; to do it generally, not partially, is what I must contend for. At the same time, I admit that I am not for restoring the negative of the crown. My reason is, that it appears to me preposterous that the will of one man should forever obstruct every regulation which all the rest of the nation may think necessary. I object to it as I would to any other prerogative of the crown, or privilege of the lords, or people, that is not founded upon reason.

But I agree, that if the House of Commons was reduced to its natural dependence on the people alone, and the

present system of making it the exclusive part of government was continued, we should approach to a pure democracy more than our constitution warrants, or than I wish to see. I am not for a democratic, any more than for a aristocratic, or monarchic government, solely; I am for that admirable mixture of the three, that our inimitable and comprehensive constitution has established: I wish to see the executive part of government revert to where the constitution has originally placed it, in the hands of the Crown to be carried on by its ministers: those ministers under the controul of parliament; and parliament under the controul of the people. I would not have parliament made, as it daily is, a party concerned in every act of state, whereby it becomes the executive for which it is not calculated, and loses its superintending and controuling power, which is the main end of its institution. For when the two houses are previously pledged by addresses, votes and resolutions, it becomes extremely difficult for them afterwards to censure measures in which they have been so deeply engaged by acts of their own. Another great inconvenience arises from parliament's taking so much of the executive of government on itself, which is, the excessive length of the sessions; an evil which of late has greatly encreased. Now that parliament is engaged in every detail in order to screen the minister, it never can finish its business till the middle of the summer, when the independent country gentlemen, tired of a long attendance and hot weather in town, is retired to his private business in the country, and that of the public left to be settled in thin houses by a few dependents of the minister. A short session of two or three months would be sufficient to examine the expenditure of former grants, to make new ones, to redress grievances and pass such general laws as circumstances might require. The incon-

venience and expence to a private member of parliament in attending his duty would then be trifling; and instead of forty commoners and three peers to form a quorum to decide the greatest matters of state, the attendance of two thirds of each body, which would give respect to their proceedings, might and ought to be required. I am also free to own my opinion, that when the House of Lords shall be effectually prevented from having any influence in the House of Commons, as I think it must by this bill, it should at the same time recover its equal rights in every respect with the House of Commons as a co-ordinate branch of the legislature. These sentiments are I think consonant to the idea so well expressed in your letter to the volunteer army of the province of Ulster, "to restore to the Crown its original splendor, to nobility its ancient privileges, and to the nation at large its inherent rights."

I believe I have now troubled you with all that is necessary concerning my plan. My Bill will shew the detail as far as concerns the House of Commons and the election of Scotch Peers: The regulations for restoring to the Crown its executive and to the House of Lords its deliberative functions should be added to and form a part of this Bill; but I have not as yet had time and leisure to prepare them.

In what I have said, I have shewn my opinion concerning the 1st, 3d, 4th, 6th, and 8th questions you have proposed to me. There remains the 2d, 5th and 7th to be considered.

In respect to the second which I presume relates to the admission of Roman Catholics to vote at elections, I can only say, that the same principles which go to civil liberty equally lead to liberty of conscience: I admire with you the glorious spirit of toleration which you say has united

the once distracted inhabitants of Ireland into one indissoluble mass : And I am sure that nothing short of evident danger to the state can warrant its interference in religious opinions. But unacquainted as I am with the state of Ireland, it is impossible for me to know the present temper and disposition of the Roman Catholics there, and those only who are on the spot can judge how far exclusions of this sort are necessary, or ought to extend.

With regard to the 5th question, if voting by ballot is advisable? I am clearly of opinion that it is not. The idea of a ballot can have arisen but to avoid the effect of some improper influence ; and I conceive it much more noble, directly to check that influence, than indirectly to evade it by concealment and deceit. I am convinced that trivial circumstances in things like this tend greatly to form the national character ; and that it is most consistent with that of a British or Irish freeman, that all his actions should be open and avowed, and that he should not be ashamed of declaring in the face of his country whom he wishes to intrust with its interests. Upon the same idea that ballots may be a cover for independence, they must also be a cloak for bribery and a school for lying and deceit.

As to the 7th question, whether it would not be equitable or expedient that Boroughs now in the possession of individuals should be purchased by the nation? I think that although no man can have a strict claim in equity to be refunded the loss of what neither buyer nor seller had a right to barter, yet it will be wise to purchase the goodwill, or at least to soften the resistance, of the present powerful possessors of boroughs by a most ample compensation. The liberties of a nation cannot be bought too dear ; but the whole cost of these boroughs would not

amount to the profits of one jobbing contract.

I have now answered all the questions you were pleased to propose ; but I must mention another advantage which ought to recommend the measures you are pursuing to every friend to the internal peace and quiet of the kingdom, which is, that when the people have obtained a regular, legal, and speedy way of giving effect to their sentiments, there can no longer be any apprehension of their endeavouring to redress themselves by mobs and tumults ; and even such regular and well conducted meetings as yours will become needless. I mention this circumstance with the more satisfaction, as it stamps your conduct with the most unequivocal marks of disinterested patriotism. Power, when once acquired, is generally endeavoured to be preserved by its possessors ; but you after having taken up yours from necessity, and employed it usefully, are now endeavouring with unexampled virtue to render its continuance unnecessary. For great as your services have been, in so soon forming a complete army, in the advantages you have procured for your country, in the good order you have preserved, and in the efficacy you have given to law, you will derive still greater credit, in my opinion, from your good sense in seeing that a great military force totally unconnected with the civil government cannot be a permanent establishment in a free country, whose first principle is never to trust absolute power in any hands whatever. Your present endeavours to restore the constitution to its purity and vigour evidently tend to make this and every extraordinary institution unnecessary ; for when the people are fairly and equally represented in parliament, when they have annual opportunities of changing their deputies, and through them of controuling every abuse of government in a safe, easy, and legal way, there can be no longer any reason for re-

curring to those ever dangerous though sometimes necessary expedients of an armed force, which nothing but a bad government can justify. Such a magnanimous end to your proceedings, when after having restored liberty, commerce, and a free government to your country, you shall voluntarily retire to the noble character of private citizens, peaceably enjoying the blessings you have procured, will crown your labours with everlasting glory, and is worthy the genuine patriotic spirit which animates the Irish Volunteers.

Before I conclude, I beg leave to express a wish that the mutually essential connection between Great Britain and Ireland may soon be settled on some liberal and fair footing. That which did subsist was on such narrow and absurd principles that no friend to either kingdom can regret its loss: founded on constraint and dependence, incompatible with the condition of freemen, Ireland had an indisputable right to dissolve it whenever she chose so to do. But surely, if we do not mean a total separation, it would be right to agree upon some new terms by which we are to continue connected. I have always thought it for the interest of the two islands to be incorporated and form one and the same kingdom, with the same legislature meeting sometimes in Ireland as well as in England. But if there are difficulties to such an union not to be got over at present, some sort of *federal union* at least between the two kingdoms seems necessary to ascertain the many circumstances that concern their joint interests; and an union of this sort may now be formed with much greater propriety than before, as it will be sanctified by the free consent of independent nations.

I do conceive that some steps of this sort is absolutely necessary, because the present footing, of separation rather

than union, is too unfair to be able long to subsist. England, besides the load of the whole debt contracted for the use of both kingdoms, bears all the burdens of naval defence and foreign negociations, and by far more than its proportion of the land service in time of war. But what is worse, is, that there is no certainty now left that we shall have the same enemies and the same friends: Different interests as they may appear, may lead one kingdom to think a war necessary, and the other to remain in peace: the same king, in his different kingdoms, may think it wise to follow the advice of his respective parliaments: I need scarcely add, that the unavoidable consequences of such a difference are a *war* between the two kingdoms. Unless some settlement takes place upon these and many other important subjects, I am far from being clear that it will be for the advantage of liberty in either kingdom, that its Monarch should continue the sovereign of a neighbouring state with which it has no connection. I am sensible that there are great difficulties attending the adjustment of such an union, and that it requires great wisdom and temper to form it, especially on the part of Ireland, which must feel that she ought to give the preponderance to Great Britain; but I am sure the business ought not to be neglected, and that every true friend to both kingdoms ought to give it his most zealous assistance.

I beg pardon for having gone into a subject not immediately belonging to that, upon which you have desired my opinion, but I thought it so connected with it, and at the same time so important, that I trust you will excuse my having introduced it. I fear I have been very long, but it was impossible for me to compress so much matter into a less compass, and when you wished to have my opinion I thought it best to give it fully, or at least as fully as I could in a letter. If it contains one thought that can be

useful I shall be happy. I have only to assure the Committee of the zeal I feel for the cause the Volunteers have undertaken, to the support of which I shall ever be ready to give every assistance in my power; and that it is with the highest respect and admiration for their conduct, that I have the honour to be

Their most obedient

and most humble Servant,

RICHMOND, &c.

August 15th, 1783.

A BILL, ENTITLED,

An Act for declaring and restoring the natural, unalienable, and equal right of all the Commons of Great Britain (infants, persons of insane mind, and criminals incapacitated by law, only excepted) to vote in the election of their Representatives in Parliament: For regulating the manner of such elections: For restoring annual Parliaments: For giving an hereditary seat to the sixteen Peers which shall be elected for Scotland: And for establishing more equitable regulations concerning the peerage of Scotland.

WHEREAS the life, liberty, and property of every man is or may be affected by the law of the land in which he lives, and every man is bound to pay obedience to the same.

And whereas, by the constitution of this kingdom, the right of making laws is vested in three estates of King, Lords, and Commons, in Parliament assembly, and the consent of all the three said Estates, comprehending the

whole community, is necessary to make laws which bind the whole community.

And whereas the House of Commons represents all the Commons of the realm, and the consent of the House of Commons binds the consent of all the Commons of the realm, in all cases on which the legislature is competent to decide.

And whereas no man is, or can be actually represented who hath not a vote in the election of his Representative.

And whereas it is the right of every Commoner of this realm (infants, persons of insane mind, and criminals incapacitated by law, only excepted) to have a vote in the election of the Representative who is to give his consent to the making of laws by which he is to be bound.

And whereas the number of persons who are suffered to vote for electing the members of the House of Commons do not at this time amount to *one sixth* part of the whole commons of this realm, whereby far the greater part of the said commons are deprived of their right to elect their Representatives; and the consent of the majority of the whole community to the passing of laws is given by persons whom they have not delegated for such purpose; and the majority of the said community are governed by laws made by a very small part of the said community, and to which the said majority have not in fact consented by themselves or by their representatives.

And whereas the state of election of members of the House of Commons hath in process of time so grossly deviated from its simple and natural principle of Representation and equality, that in several places the members are returned by the property of *one man*; that the smallest Boroughs send as many members as the largest Counties;

and that a majority of the representatives of the whole nation are chosen by a number of voters not exceeding twelve thousand.

Now for remedy of such partial and unequal Representation and of the many mischiefs which have arisen therefrom; and for restoring, asserting, and maintaining the rights of the Commons of this realm, be it declared and enacted, and it is hereby declared and enacted, by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same, *That every Commoner of this realm (excepting only infants, persons of insane mind, and criminals incapacitated by law) hath a natural, unalienable, and equal right to vote in the election of his Representative in Parliament*

And whereas it was accorded by statute in the fourth year of the reign of King Edward the Third, "that a Parliament should be holden every year once, and more often if need be;" which statute was confirmed by another statute passed in the 36th year of the reign of the said King Edward the third: And the practice in ancient times was for writs to issue for the election of a new parliament every year.

And whereas frequent elections are indispensably necessary to enable the commons to alter and amend the choice of their Representatives as they may see occasion; and such elections ought to be as frequent as may be, consistent with the use of a representative body: and the ancient practice of annual elections is well calculated for such purpose.

And whereas triennial and septennial Parliaments, by rendering the exercise of the right of election less tre-

quent, tend to make the Representatives less dependent on their constituents than they always ought to be; and also deprive the Commons for many years after they come of age of their franchise of electing their own representatives; Be it declared and enacted by the authority aforesaid, *That the election of members to serve in the House of Commons ought to be annual.*

And whereas, in order to reform the manifold abuses which in process of time have been suffered to take root in the manner of electing the Representatives of the Commons, and in order to establish a free, true, and equal representation of all the people, it is necessary that all the laws respecting the election of members of Parliament not applicable to the present intended reform should be repealed and annulled, and that the manner of electing the Commons in Parliament, and all matters and things respecting the same, be new modelled according to the present state of the kingdom and to the ancient and unalienable rights of the people. Be it enacted by the authority aforesaid, *That all future elections for Representatives of the Commons of Great Britain in Parliament shall be made according to the provisions and regulations of this act, and not otherwise; and that all other acts, laws, customs, and usages contrary thereto, or such parts of them as are inconsistent therewith, shall be, and the same are hereby repealed, annulled, and made void to all intents and purposes whatsoever.*

And be it further enacted, *That the number of members to sit in the House of Commons shall remain and be the same as at present, and shall consist of five hundred and fifty-eight members.*

And whereas the due proportion of Commoners to elect each member of Parliament can be properly deter-

mined but from a knowledge of the whole number of commoners in the kingdom having a right to vote: Be it enacted, That in order to ascertain the same, this act shall forthwith be transmitted by one of his Majesty's principal Secretaries of state to the Minister of each parish, and likewise to each acting Justice of the Peace, in Great-Britain: And each of the said ministers shall read, or cause to be read, the said act in his parish church immediately after divine service and before the sermon every Sunday in the month of November next: And each of the said Justices of the Peace within their respective districts shall diligently enquire on every Sunday in the said month of November next, whether the several ministers have read this act accordingly; and if it shall be found that any minister shall have neglected so to do, the Justice of the Peace finding such neglect shall cause this act to be read by some other person on the next Sunday in such parish church in manner aforesaid.

And be it further enacted, That on the first of December next the Minister of each parish, together with the Churchwardens and Overseers of the poor, shall hold a vestry at the church in the said parish, which shall open at eight o'clock in the forenoon and shall close at six o'clock in the afternoon of the same day, at which all persons, not belonging to the Royal Navy, or serving in the embodied Militia or Army, and being on that day in the said parish, shall have liberty to attend. And the said Minister, Churchwardens, and Overseers shall make out a true and correct list of the christian and surname, trade, occupation, age, and usual place of dwelling, of all the men of the age of 21 years and upwards, who on that day shall be in their respective parishes, and who shall appear and claim a right to vote for the election of members of parli-

ament, and shall subscribe and take the following oath before the said Ministers, Churchwardens and Overseers, who are hereby enabled and required to administer the same viz. " I A. B. do swear, that I am a natural born subject of Great-Britain, that I am of the age of twenty one years, that I am not serving in the embodied militia, nor belonging to the royal navy or army, and that I have not this day been to claim my right of voting for the election of a Member of Parliament, or have been sworn for the same before, in this or any other parish or place, so help me God." And such lists so made out shall be certified, under the signature and seal of the said Minister, and of each of the Churchwardens and Overseers, who shall attend such vestry, to be a true and correct list; and a copy of the same shall be taken and preserved by such Minister and by each of the said Churchwardens and Overseers; and such original list, together with all the copies of the same, shall on the 15th day of December next be carried by such Minister, Churchwardens, and Overseers to the Justices of the Peace, who are hereby required to hold petty sessions on that day within their respective divisions; and such lists and copies shall then and there be sworn to as true and correct before such Justices of the Peace by such Minister, Churchwardens, and Overseers: and their respective affidavits shall be certified on the said list by such Justices of the Peace. And such original list, so sworn to, shall by such Justices of the Peace be transmitted to the clerk of the peace of their respective counties, or to the town clerk in cities which are counties of themselves, so that such clerk of the peace or town clerk may receive them on or before the first of January next. And the said clerks of the peace and town clerks shall transmit the said lists to one of his Majesty's principal Secretaries of State, so that he may receive them on or before the 20th of Ja-

nuary next. And one of the said Secretaries of state shall forthwith send the said lists to the twelve Judges, who shall meet in the Exchequer chamber on the 21st of January next for the purpose of receiving such lists.

And be it enacted, That the said twelve Judges, then and there assembled, shall divide the total number of persons so returned by the number five hundred fifty-eight, being the number of members to be chosen; and the quotient found shall be adjudged to be the number of persons having a right to elect one member of Parliament. And the said Judges shall then proceed to compute from the said lists the number of persons who have a right to vote in each County, or City being a county of itself, in Great-Britain; and shall determine the number of members to be elected by each county, or city being a county of itself in proportion (or as near as may be) to such number of electors in each county or city, giving the advantage to the smaller counties or cities where the numbers will not admit of exact division. And the said Judges having so determined the number of members to be returned by each county, and city being a county of itself, and the number of electors to chuse one member, shall, on or before the 1st of February next, transmit an account thereof to the Lord High Chancellor of England.

And be it enacted, That the said Lord High Chancellor shall, within four days after receiving such account, issue his Writ to the High Sheriff of each county, and to the Chief Magistrate in each city, which is a county of itself, in Great Britain, directing him to summon a grand jury consisting of all such persons then living as have been heretofore summoned on grand juries at the assizes in his county, to meet at eight o'clock in the forenoon, on

the 10th of March next, at the usual place of holding the summer assizes for his county; and likewise the Minister, Churchwardens, and Overseers of each parish within his county, to attend the said grand jury. And the said Chancellor shall transmit to the said High Sheriff and Chief Magistrate an account of the number of members, to be returned by his county, and of the number of electors to chuse one member; which account the said Sheriff and Chief Magistrate shall deliver, or cause to be delivered, to the said Grand Jury when assembled.

And be it enacted, That on the 10th of March next, the said High Sheriff of each county, and Chief Magistrate of each city, which is a county of itself, in Great-Britain, shall attend, and be foreman of, the said grand jury: or in case of unavoidable absence another person shall be chosen as foreman by the said grand jury; and such foreman is hereby authorized and required, first to take, and then to administer to every person summoned and who shall attend the said grand jury, the following oath: "I A. B. do swear that in the allotment of the several parishes, or parts of parishes, into districts for the election of members of parliament within this county, I will act according to the best of my judgment and discretion, fairly and equally, and for the conveniency of the said districts, so help me God." And the said grand jury shall then proceed to distribute into districts the several parishes of their county. And each district shall consist (as nearly as may be) of such number of persons, having a right to vote, as are allotted to chuse one member of Parliament according to the lists made out in such parishes, which will appear by the duplicates preserved by the Ministers, Churchwardens, and Overseers, who are hereby required to attend such grand jury with such duplicates. And where

parishes shall be greatly too large or too small to form districts of themselves, such parishes may be divided or joined either in whole or in part with other contiguous parishes, for the purpose of forming districts as aforesaid, according to the judgment and discretion of the said Grand Jury. And the said Grand Jury having so divided their county into districts, the same shall be adjudged to be and be called *boroughs*: And the said Grand Jury shall affix to each borough the name of the principal parish in such borough. And the said Foreman shall return into the court of Chancery, so that it may arrive there on or before the 1st of April next, a list of such boroughs within his county, certified under the hands and seals of the said foreman and of all the members who attend the said Grand Jury; and such certificate shall be in the following form: "We, whose names are hereunto subscribed and seals affixed, the Foreman and Grand Jury of the county of _____ assembled on the 10th of March 178 _____ in pursuance of an act passed in the _____ year of his present Majesty's reign entitled An Act, &c. do certify that the above distribution is an equal division of the said county, in to districts as directed by the said act, or as nearly so as the circumstances of this county would admit."

And be it enacted, That each of the said boroughs in Great Britain shall be entitled in all future elections to elect one member to serve in the Commons House of Parliament; and no more. And each member so elected shall be called a burgesse. And the said burgesses shall constitute and form the House of Commons of Great Britain. And no county, city, or borough (other than is directed by this act) shall in future be entitled to send any Knight, Citizen, or Burgess of Parliament.

And be it enacted, That the Lord High Chancellor,

having received the returns herein before directed, to be made to him by the said foreman of Grand Juries, shall, on or before the 15th of April next, issue his Writ to the High Sheriff of each county, and to the Chief Magistrate of each city being a county of itself in Great Britain, for the election of one member to serve in parliament for each of the several boroughs within his county or city : And the form of the said writs shall be such as is annexed to this act. And the said High Sheriff and Chief Magistrate shall, within four days after the receipt of the said Writ, issue his precept to the Head Constable or senior Peace officer, for the time being, of each borough within his county or city, (who is hereby appointed returning officer of such borough) for the election of one member to serve in Parliament for the said borough; and the form of the said precept shall be such as is annexed to this act.

And be it enacted, That the returning officer of each borough shall on the 15th of May next cause proclamation to be made in each Parish within his borough, that the day fixed for chusing a new Parliament is the first of September following; and that every person, intending to offer himself as a candidate for the said borough, and duly qualified by law, is to send to him the said returning officer a declaration in writing, signed by such person, of his being a candidate to represent the said borough; so that he the said returning officer may receive the same on or before the 15th of June next. And the said returning officer shall, on the 16th of June next, cause the said declaration or declarations to be proclaimed in every parish within his borough, and a copy thereof, attested under his signature, to be affixed on the door of the Church of every parish within his borough; or in case he shall not have received any such declaration he shall make procla-

mation that there are no candidates for the said borough. And it shall and may be lawful for the inhabitants of such borough to assemble in their respective parishes on the 17th of June next, to consider of the candidates (if any) who offer, and to declare any other candidate or candidates they may think proper, by writing addressed to the returning officer and signed by not less than one hundred of the said inhabitants; provided such declaration be delivered to the said returning officer before six o'clock in the evening on the said 17th day of June next, and that the qualification of such candidate or candidates to sit in Parliament be situate within the said borough. And the said returning officer shall, on the 18th of June next, cause a list of all such candidates, distinguishing those who offer themselves from those who are set up by the inhabitants, to be proclaimed in every parish within his borough, and likewise a copy of such list attested under his signature to be affixed on the door of the church of every parish within his borough. And the said returning officer shall, on the said 18th of June next, transmit by the post to one of his Majesty's principal Secretaries of State a list of such candidates; and one of the said Secretaries of State shall cause the same to be inserted in the Gazette on or before the 15th of July next: And no other person shall thereafter become a candidate for such borough at such election.

And be it enacted, That every person who shall be so declared by one hundred of the inhabitants of any parish to be a candidate for the borough in which such parish is situate, and whose qualification shall at the time of such declaration be situate within the said borough, shall, if chosen, be compellable to attend parliament like other members. Provided always that no person having served for one parliament shall be compellable to serve again.

And be it enacted, That the senior peace officer for the time being of each parish shall act as deputy to the returning officer of the borough in which such parish is situate, and shall in all things respecting this act pay due obedience to such directions as he shall receive from the returning officer, and previously to his acting as his deputy shall take the following oath before the said returning officer, "I B. C. will faithfully and honestly discharge my duty as deputy to the returning officer of the borough of _____ in the election of a Member of Parliament, so help me God," which oath the said returning officer is hereby authorized and required to administer.

And be it enacted, That on the first of September next the senior peace officer in each parish throughout the kingdom of Great-Britain shall make proclamation at 8 o'clock in the forenoon, at the church of the said parish, that he is immediately proceeding to the election of a member to serve in parliament for the borough in which such parish is situate; and that such election will close at six o'clock on the same evening. And such senior peace officer shall then declare the names of such persons as are legal candidates for such borough, and read or cause to be read the clauses in this act, which inflict penalties on persons who shall be found guilty of perjury, bribery, corruption, or other offences, against this act, and which incapacitate persons convicted of certain crimes from being elected, or from voting for the election of, a Member of Parliament. And the said senior peace officer shall then proceed to collect the votes, by taking a poll in such manner, as is herein after directed, of all such men as shall on that day be in the said parish and shall offer themselves to vote. And such poll shall continue open until six o'clock in the afternoon of the same day and no longer. And every man offering himself to vote, shall give an account of his

christian name, surname, trade or occupation, and usual and last place of abode, and shall sign his name or make his mark opposite to an entry thereof which shall be made in a book to be provided by the senior peace officer for such purpose. And every man offering himself to vote shall take the following oath, which the said officer is hereby authorized and required to administer; "I A. B. do swear that I am a natural born subject of Great Britain, that I am twenty-one years of age, that I have not on this day voted before in this parish or in any other parish or place for the election of a Member of Parliament: that I am not an officer, non-commissioned officer, warrant officer, drummer, or private man in the embodied militia, navy, or army: and that my christian name, surname, trade, occupation, and usual and last place of abode is such as by me now declared, so help me God." And every man offering himself to vote shall further take such oath or oaths as are, or may be enacted against bribery and corruption. And every man whatever (not of insane mind or a criminal incapacitated by law) offering himself to vote in any parish, who shall have given an account of himself as aforesaid, and shall have taken the aforesaid oaths, shall be admitted to vote at such elections for such legal candidate as he shall think fit.

And be it enacted, That in case the said senior peace officer shall have cause to suspect that any person voting at such election is not entitled to vote according to the true intent and meaning of this act, or shall be requested by any of the candidates or by any of their agents to place a quere opposite to the name of any voter with the reason of such quere, but shall not refuse to take the vote of any man who shall have signed the book and taken the oaths aforesaid: and the validity of such quered vote shall after-

wards be determined, upon petition, by the committee of the House of Commons to which such election shall be referred. And such peace officer shall on the day next after the election deliver to the returning officer of his borough the poll book so taken. And the senior peace officer of every parish shall provide a sufficient number of clerks to aid and assist him in taking the said poll. And the Justice of the peace in their quarter sessions, to be held next after such expence for the hire of the said clerks and the purchase of the said books shall have been incurred, shall allow the same, or so much as they shall deem reasonable and such expences so allowed shall be paid by the treasurer of the county out of the county rates.

And whereas men serving as officers, non-commissioned officers, warrant officers, drummers, or private men in the embodied militia, navy or army, may at the time of election be assembled together in large bodies in places distant from their respective parishes, and if suffered to vote like other subjects for whatever borough they may chuse might combine together under improper influence and vote in bodies, and thereby decide the election in places to which they do not belong, and where they have no connection, to the prejudice of the inhabitants of such places and of the kingdom at large : And whereas it would be unjust that men who expose their lives for the defence of their country should be deprived of those essential rights which are by this act restored to every subject. Be it enacted, for the preservation of such rights, and for the prevention of such inconveniencies. That every officer, non-commissioned officer, warrant officer, drummer, and private man in the embodied militia, navy or army, shall be entitled to vote for the election of a member to represent him in Parliament, in the manner herein after directed, and not otherwise.

And be it enacted, That every officer, non-commissioned officer, warrant officer, drummer, and private man in the navy or army, and every officer, non-commissioned officer, and drummer of militia when embodied, shall (if he shall so think fit) as soon as he shall arrive, or be, in any port or place within this kingdom, go before and be examined upon oath by a Justice of the Peace touching the place of his last settlement if in England or of his birth if in Scotland; and such Justice of the peace shall for the purpose of this act adjudge the same accordingly, and give a certificate of such adjudication to the commanding officer of the ship, or corps to which such man belongs; and when any man shall enter or enlist, or receive a commission in the militia, navy or army, a similar proceeding in respect to such man shall be had if required; and the said commanding officer shall, from time to time, within eight days after the receipt of any such certificate from a Justice of the Peace, transmit the same to the office of Admiralty or War office; and such certificate shall be filed and kept in the said office as matter of record. And the board of Admiralty or Secretary at War, shall, within one month after the receipt of such certificate, cause a copy thereof attested by the Secretary or chief clerk of the said office to be transmitted to the parish to which such man is adjudged to belong. And in case any man shall be removed or drafted from one ship or corps to another, an account of such removal shall in like manner be certified to such parish; and all such certificates so transmitted to such parish shall be preserved in a chest in the church of such parish.

And be it further enacted, That every officer, non-commissioned officer, warrant officer, drummer, or private man in the navy, or army, shall be entitled to vote for the electors

tion of a Member of Parliament only for the Borough in which the parish to which he has been so adjudged to belong is situate: And every officer serving in the militia, who shall have delivered in to the clerk of the peace his qualification, shall, during the time he is embodied, be entitled to vote for the election of a Member of Parliament only in such borough where such qualification, or the greater part thereof, is situate: And every other officer, non-commissioned officer, and drummer of militia, shall during the time he is embodied, be entitled to vote for the election of a Member of Parliament only in such borough in which the parish he shall have been so adjudged to belong is situate: And every private militia man, while he is embodied, shall be entitled to vote for the election of a Member of Parliament only for the borough in which the parish he shall then be serving for is situate. And the clerk of the peace in each county where the militia is or shall be raised, shall on the first of August next make out a certificate of the qualification delivered to him of each officer who shall then be serving in the embodied militia, and shall sign and transmit the same to the senior peace officer of the parish in which the said qualification, or the major part thereof, is situate.

And be it enacted, That as soon as the list of candidates shall appear in the Gazette, every officer, non-commissioned officer, warrant officer, drummer and private man in the embodied militia, navy or army, who shall at that time be residing in Great Britain, or be in any port within the kingdom, shall, within twenty-six days after the said publication in the Gazette, (that is, on or before the 10th of August next) have a right to go before a Justice of the Peace, and give his vote in favour of any person who is a legal candidate for such borough as he is entitled

to vote for. And the said Justice of the Peace shall read to such person a list of the candidates for the borough for which he shall claim a right to vote, as published in the Gazette ; and also the clauses in this act which inflict penalties on persons who shall be found guilty of perjury, bribery, corruption, or other offences against this act, and which incapacitate persons convicted of certain crimes from being elected, or from voting for the election of a Member of Parliament : and shall likewise administer to such persons the following oath ; “ I A. B. do swear that I am a natural born subject of Great Britain, that I am twenty-one years of age, that I am an officer, non-commissioned officer, warrant officer, drummer, or private man in the embodied militia, navy or army (*as the case may be, specifying the ship or corps to which such person belongs*) and that I have not before voted for any other place than that for which I now claim a right to vote.” And likewise such oath or oaths as are, or shall be, enacted against bribery and corruption. And such Justice of the Peace shall then take an account of the name, rank, and corps of such person, and of the candidate for whom he shall vote ; which account shall be subscribed and sworn to by such person, and certified by such Justice of the Peace, who shall by the next post transmit the same to the returning officer of the borough for which such person shall vote, such person paying to the clerk of the said Justice of the Peace one shilling for the same, and no more. And the returning officers of the several boroughs shall not be chargeable with any duty of postage for letters containing such certificates.

And be it enacted, That one of his Majesty's principal Secretaries of State shall cause the Gazette or Gazettes, containing the said list of candidates, to be transmitted,

as soon as published, to every acting Justice of the Peace within the kingdom.

Provided always, That nothing in this act contained shall deprive or be construed to deprive any person belonging to the militia when disembodied, from voting in such borough as he shall think fit, in the same manner as all other commoners are by this act, enabled to do.

And be it enacted, That the said returning officer shall, immediately after having received the poll books, proceed with the assistance of the peace officers who have taken the poll books, to examine the said poll books, together with such certificates as shall have been made to such returning officer from Justices of the Peace of the votes given by persons in the embodied militia, navy and army, for his borough ; and shall compare such certificates of votes with the certificates before transmitted from the Admiralty, or War-office, of the adjudications respecting such right of voting ; and with the certificates of the clerks of the peace concerning the qualification of officers of militia : And such of the said votes as shall appear to the said returning officer to be legal votes, shall be by him admitted as such : And such returning officer shall, within three days after the election, declare that candidate to be duly elected who shall appear from the poll books, and from the certificate votes, to have the greatest number of legal votes in his favour, admitting such as are queried. And the several returning officers shall, immediately after having made such declaration, make their returns to the precepts from their respective High Sheriffs. And the respective High Sheriffs shall immediately after receiving such returns from the returning officers, make their returns to the writs from the Lord High Chancellor. And the Lord High Chancellor shall cause a list of

the names of the members who are returned for the respective boroughs, to be published in the Gazette, on or before the first of October next.

And be it enacted, That it shall be lawful for every commoner (possessing a land qualification as by law directed) to offer himself as a candidate for any borough within the kingdom, and for as many boroughs as he shall think proper; and if any candidate is returned a member for more than one borough, such member shall, within fourteen days after the list of members returned shall have been published in the Gazette, make his option in writing, directed to the Lord High Chancellor of England, of the place for which he chuses to serve. And the Lord High Chancellor shall forthwith issue a new writ for a new election for that borough, or those boroughs, for which such member hath not made his option to serve. And in case any vacancy shall happen for any borough previous to the election of a speaker of the House of Commons, the Lord High Chancellor shall issue his writ for filling up such vacancy; and in case any vacancy shall happen for any borough after a speaker is chosen, the speaker shall issue his warrant for filling up such vacancy.

And be it enacted, That when any vacancy for a borough is to be filled up, such persons only as by the poll books or certificates shall appear to have actually voted at the last general election in or for the borough where such vacancy shall happen, shall have a right to vote at the election occasioned by such vacancy.

And be it enacted, That the House of Commons, so chosen, shall meet every year, when summoned by his Majesty's proclamation for the dispatch of business: That all petitions concerning undue returns shall be presented the first day of the sessions: That the House of Commons,

immediately after swearing their members, shall proceed to chuse Committees, as by law directed, to decide elections against which petitions shall have been presented : That no other business shall be proceeded on until all the said controverted elections shall be decided : That several Committees may proceed at the same time on different elections : That the house shall sit and be called over every day until Committees for all contested elections shall be formed : That no Committee shall be allowed to sit longer than three days for the determination of any election : That no counsel for any of the parties shall be allowed to speak after the first day : and that the witnesses shall be examined by the Committee and not by the counsel.

And be it declared and enacted by the authority aforesaid, That the House of Commons so elected shall be taken and reputed to be the only true representatives of all the Commons of Great Britain, and shall by the consent of the said representatives, or by the majority of them bind the consent of all the Commons of Great Britain, in all matters and things on which the said House of Commons is competent to decide, and to the passing of all such laws as parliament hath a right to enact.

And be it further enacted, That the House of Commons so chosen, shall continue and be the representatives of the Commons of Great Britain for one year only, and no longer ; to be computed from the first day of September on which such election shall have taken place. And that on the first day of September in every year, for ever after, (or on the second of September when the first shall fall on a Sunday) all the Commons of Great Britain (excepting only minors, persons of insane mind, and criminals incapacitated by law) shall proceed to the election of new

burghesses, in the same manner and form as is herein before directed to be observed for the election of burghesses or the year next ensuing.

And whereas the oaths, which by this act are directed to be taken, for preventing the admission of illegal votes, may not be a sufficient guard against the same, unless the breach of such oaths be attended with punishments adequate to such offences, be it enacted, That in case any person shall be duly convicted of wilful perjury, in falsely taking any of the oaths prescribed by this act, every such person shall be committed to the common gaol of the county where such offence shall have been committed, there to remain without bail or mainprize for the space of three years, and be incapable of ever voting again in any borough for the election of a Member of Parliament. Provided always that every prosecution for such offence shall be commenced within twelve calendar months next after the same shall have been committed, and not afterwards.

And be it enacted, That no person who has been or shall be duly convicted in a court of law within this realm of the crimes of high treason, treason, murder, felony, perjury, forgery, grand or petty larceny, or any of them, shall be capable of being elected, or of voting for the election of a Member of Parliament in or for any borough within this kingdom.

And be it further enacted, That if any person herein directed to perform or do any matter or thing relative to the carrying this act into execution, shall neglect, or refuse to pay due obedience thereto, in such manner, and at such times, as is, and are herein prescribed, every person so offending shall forfeit the sum of five hundred pounds

to any person who shall sue for the same in any of his majesty's courts of record at Westminster by action of debt, bill, plaint or information, wherein no essoin, protection, or wager of law, nor more than one imparlance shall be allowed. And in case such offender shall be the Lord High Chancellor, or any of the Judges, or either of the Secretaries of State, or any Clerk of the Peace, he shall, over and above such penalty, be, from the time of such conviction, incapable of ever holding any office of trust or profit. Provided always that every suit, action, or prosecution for such offence, shall be commenced within twelve calendar months next after the same shall have been committed, and not afterwards.

And whereas the Peers of Scotland in the Parliament of Great Britain are at present elected for seven years, whereby the said Peers of Scotland are not upon the same footing with the hereditary Peers of England, be it enacted by the authority aforesaid, That the Peers of Scotland shall, on the first day of September next, proceed to the election of sixteen Peers to sit in the parliament of Great Britain for the kingdom of Scotland, and that such sixteen Peers so elected, and their heirs male succeeding to their peerage, shall, from the time of such election, continue to sit and vote in the parliaments of Great Britain, as Peers of Scotland, without any new election for such purpose. And when any vacancy shall happen, by the extinction of the male line in any of the peerages belonging to the Peers elected to represent the peerage of Scotland in the parliament of Great Britain, such vacancy shall be filled up by a Peer of Scotland, to be chosen by the Peers of Scotland; and the Peer so chosen, and his heirs male succeeding to his title, shall, from the time of such election, continue to sit and vote in the parliaments

of Great Britain, as a Peer of Scotland, without any new election for such purpose.

And whereas Peers of Scotland having a right to sit, and vote in the parliament of Great Britain, whether by election of the Peers of Scotland, or by being also English peers, ought not to have another vote to be represented in the said parliament, be it enacted, That no person having a right to sit and vote in the parliament of Great Britain, either as a Peer of England or of Scotland shall have a right to vote for the election of a Peer of Scotland to sit and vote in the said parliament of Great Britain.

And whereas the Peers of Scotland, not elected to sit and vote in the parliament of Great Britain, will have a more distant prospect of being so elected, when the right of sitting and voting is hereditary in the male line of the families of the peers so elected, and when there will be no new elections excepting when such peerages in the male line shall become extinct; and it is unreasonable that the Peers of Scotland not elected as aforesaid, should for so long a time be deprived of the capacity, which all other subjects within the realm have of being created peers of Great Britain, and of being elected members of the House of Commons: And whereas it is also unreasonable that the eldest sons, and heirs apparent, of Peers of Scotland should not be eligible to represent the commons of Scotland, in the same manner as they, and the eldest sons, and heirs apparent of the Peers of England, are eligible to represent the commons in England, be it enacted by the authority aforesaid, That all Peers of Scotland, as likewise the eldest sons, and heirs apparent, of Peers of Scotland, shall in future be capable of being created Peers of

Great Britain, and of sitting and voting in parliament in consequence of such creation, and that the prior possession of a peerage of Scotland, or being eldest son or heir apparent, of a Peer of Scotland, shall be no bar or hinderance to such new creation. And that all Peers of Scotland, not elected to sit and vote in the parliament of Great Britain, and the eldest sons, and heirs apparent, of Peers of Scotland, shall be, and they are hereby declared to be capable of being chosen to represent the Commons of Great Britain, for any borough within the realm, in the same manner as other persons not having a right to sit and vote in the House of Lords. And that the possession of such peerage of Scotland, or the being eldest son, or heir apparent, of a Peer of Scotland, shall be no bar or hinderance to such election, in any borough or place within the realm.

Form of the writ to be issued by the Lord High Chancellor, on or before the 15th of April, every year, to the High Sheriff of each county, and to the Chief Magistrate of each city, being a county of itself, in Great Britain.

GEORGE the third, by the grace of God of Great-Britain, France and Ireland, King, defender of the faith, and so forth. To the Sheriff of the county (or city) of greeting: Whereas by the advice and assent of our council for certain arduous and urgent affairs, concerning us, the state and defence of our kingdom of Great Britain, and the church, we have ordered a certain parliament to be holden at our city of Westminster, on the day of next ensuing, then and there to treat and have conference with the prelates and great men and peers of our realm, therefore we command and strictly enjoin you, that you cause proclamation of the day and place aforesaid to be made in your next coun-

ty court to be holden after the receipt of this our writ, and that within four days after receiving this our writ, you issue your precept to the Head Constable or Senior Peace Officer for the time being, of each borough within your county (or city) for the election of one member to serve in parliament for such borough, directing him, on the 1st of September next, to cause one burghers of the most sufficient and discreet, freely and indifferently, to be elected by those who shall be present at such election, according to the form of an act passed in the year of our reign entitled “An act for declaring and restoring the natural, unalienable and equal right of all the commons of Great Britain (infants, persons of insane mind, and criminals incapacitated by law, only excepted) to vote in the election of their representatives in parliament : For regulating the manner of such elections : For restoring annual Parliaments : For giving an hereditary seat to the sixteen Peers which shall be elected for Scotland : And for establishing more equitable regulations concerning the peerage of Scotland.” And the names of those burghers so to be elected (whether they be present or absent) you cause to be inserted in certain indentures to be thereupon made between you and those who shall be present at such election and them at the day and place aforesaid, you cause to come in such manner, that the said burghers for themselves and the commonality of the said boroughs, may have from them full and sufficient power to do and consent to those things which then and there by the common council of our said kingdom (by the blessing of God) shall happen to be ordained upon the aforesaid affairs, so that for want of such power, through an improvident election of the said burghers, the aforesaid affairs may in no wise remain unfinished. Willing nevertheless that neither you nor any other Sheriff

of this our said kingdom be in any wise elected. And that the elections, in the full boroughs in your county, to made distinctly and openly under your seal and the seals of those who shall be present at such election, you do certify to us in our Chancery, at the place aforesaid, immediately after returns shall have been made to your precepts from the aforesaid head constables or senior peace officers of each borough within your said county, (or city) remitting to us one part of the aforesaid indentures annexed to these presents, together with this writ. Witness ourself at Westminster the day of in the year of our reign.

Form of the precept to be issued by the High Sheriff of each county, and by the Chief Magistrate of each city, being a county of itself, in Great Britain, every year, within four days after receiving the writ from the Lord High Chancellor, to the Head Constable or Senior Peace Officer, for the time being, of each borough within his county or city.

——(to wit) A. B. Esq. Sheriff of the county (or city) aforesaid, To the head constable or senior peace officer of the borough of in my said county (or city) greeting: By virtue of his Majesty's writ under the great seal of Great-Britain to me directed for electing a burgess to serve in the parliament to be holden at the city of Westminster on the day of next ensuing, for the borough of aforesaid, These are therefore to will and require you that you make proclamation within the said borough of the day of election, and cause freely and indifferently to be elected one burgess of the most sufficient and discreet, by those who shall be present at such election, according to the form of an act passed in the year of our reign, en-

titled " An act for declaring and restoring the natural,
 unalienable, and equal right of all the commons of Great
 Britain (infants, persons of insane mind, and criminals in-
 capacitated by law, only excepted) to vote in the election
 of their representatives in parliament: For regulating the
 manner of such elections: For restoring annual parlia-
 ments: For giving an hereditary seat to the sixteen Peers
 which shall be elected for Scotland: And for establishing
 more equitable regulations concerning the Peerage of
 Scotland."——And the name of the said burghs to e-
 lected (whether he shall be present or absent) you cause
 to be inserted in certain indentures to be made between
 me and those who shall have interest in such election, and
 that you cause him to be and appear at his said Majesty's
 parliament to be holden at the said city of Westminster
 on the said day of next en-
 suing, so that the said burghs may have full and sufficient
 power for himself and the commonalty of the said borough
 to do and consent to those things which of the common
 council of the said realm shall be requisite and necessary to
 be done. And you are not to elect me or any other Sher-
 iff of Great Britain. And the said election you are forth-
 with to certify to me, sending to me one part of the said
 indentures annexed to this precept, that I may certify,
 the same to his Majesty in Chancery; herein said not.
 Given under the seal of my office this day of
 in the year of the reign of our
 sovereign Lord George the third, of Great-Britain and
 so forth, and in the year of our Lord

NOTE.

The Form of the Writs and Precepts still in use, (which

is supposed to be very antient,) has been adhered to as much as possible. And it is remarkable that these writs to the Sheriff still direct, that all the members for the county, and for every city, and for *every borough* in his county, *shall be elected by those who at the proclamation* (to be made in the county court) *shall be present*, according to the to the form of the statute in such case made and provided: Indentures are to be made between the Sheriff and *those who shall be present at such election*; the election is to be made in *his full county* distinctly and *openly*, and the members are to come *in such manner* that they may have for *themselves, and the commonality of their respective boroughs; &c.* sufficient power to do and consent to those things which by the common council of the kingdom may happen to be ordained upon the *said affairs* (on which parliament is summoned) *so that for want of such power, through an improvident election of them, the said affairs may in no wise remain unfinished.*

The precept from the Sheriff also directs the returning Officers of cities and boroughs, that two members shall speedily and *indifferently be elected by those who shall be present at the said election*, according to the form of the Statute in such case made and provided.

No. II.

MR. PITT'S SPEECH

ON A

Parliamentary Reform.

*Extracted from the NEW ANNUAL REGISTER, for
the Year 1782.*

“FOR a considerable time past, public meetings had been occasionally holden, in various parts of the kingdom, in which the state of parliamentary representation was the subject of discussion, in which its inadequateness was strongly pointed out, and in which spirited resolutions were entered into relative to the necessity of a more equal representation of the people. Many meetings of this kind took place in the course of the year 1782, in the metropolis, and in different counties, cities, and towns of the kingdom. On the first of February, at a common-hall of the livery of the city of London at Guild-hall, it was resolved, “That the unequal representation of the people, the corrupt state of parliament, and the perversion thereof, from its original institution, had been the principal causes of the unjust war with America, of the consequent dismemberment of the British Empire, and of every grievance of which the nation complained. That these grievances could never be removed, until the right of the people to their constitutional share in the English government shall be re-established, by a fair and equal representation in parliament, and a frequent election of their representatives, according to ancient usage. That a com-

mittee of the livery of London should be appointed, for the purpose of obtaining a restoration of these rights : and that the said committee shall take the most effectual methods for obtaining a more equal representation of the people in parliament, and a frequent election of the representatives, according to ancient usage ; and that, for these purposes, they should concur and correspond with other committees throughout the kingdom." Similar resolutions were made at other meetings, and by other bodies ; and, in particular, the committee of association for the county of York exerted themselves with much spirit and ability in the management of this business, and published several addresses to the public on this important subject.

" These exertions of the people at length caused the matter to become in some degree an object of discussion in the house of commons. It was introduced into that assembly on the 7th of May, 1782, by Mr. William Pitt. That gentleman then observed, that the representation of the commons in parliament was a matter so truly interesting, that it had at all times excited the regard of men the most enlightened ; and the defects which they had found in that representation, had given them reason to apprehend the most alarming consequences to the constitution. That the frame of our constitution had undergone material alterations, by which the commons' house of parliament had received an improper and dangerous bias, and by which, indeed, it had fallen so greatly from that direction and effect which it was intended, and ought to have in the constitution, he believed it would be idle for him to attempt to prove. It was a fact so plain and palpable, that every man's reason, if not his experience, must point it out to him. He had only to examine the quality and

nature of that branch of the constitution, as originally established, and to compare it with its present state and condition. That beautiful frame of government, which had made us the envy and admiration of mankind, in which the people were entitled to hold so distinguished a share, was so far dwindled and departed from its original purity, that the representatives ceased in a great degree to be connected with the people; it was the essence of the constitution that the people had a share in the government by the means of representation; and its excellency and permanency must result from this representation being equal, easy, practicable, and complete. When it ceased to be so; when the representative ceased to have connection with the constituent, and was either dependant on the crown, or the aristocracy; there was then a defect in the frame of representation, and it was not innovation, but recovery of constitution, to repair it.

Mr. Pitt further observed, that it was not now his intention to enter into any enquiry respecting the proper mode of reform, or to consider what would most completely tally and square with the original frame of the constitution. All that he at present intended was, to move for the institution of a committee, to be composed of such men as the house should, in their wisdom, select, as the most proper and the best qualified for investigating this subject, and making a report to the house, of the best means of carrying into execution a moderate and substantial reform of the representation of the people. But tho' he would not press any particular proposition upon the house, he still thought it his duty to state some facts and circumstances, which, in his opinion, made this object of reform essentially necessary. He believed, indeed, that

there was no member of that house, who would not acknowledge, that the representation, as it now stood, was incomplete. It was perfectly understood, that there were some boroughs under the influence of the treasury, and others totally possessed by them. It was manifest, that such boroughs had no one quality of representation in them. They had no share nor concern in the general interest of the country, and they had in fact no stake for which to appoint their guardians in the popular assembly. The influence of the treasury in some boroughs was also concealed, not by the electors of those boroughs, but by some one or other powerful man, who assumed or pretended to an hereditary property of what only ought to be the rights and privileges of the electors. The interests of the treasury were considered, as well as the interests of the great man, the lord, or the commoner, who had connections with the borough; but the interests of the people, the rights of the electors, were the only things that never were attended to, nor taken into the account. Would any man say, that in this case there was the most distant idea or principle of representation? There were other boroughs, which had now in fact no actual existence, but in the return of members to the house. They had no existence in property, in population, in trade, or in weight of any kind. There were hardly any men in such boroughs who had a right to vote; and they were the slaves and the subjects of persons who claimed the property of the boroughs, and who in fact made the returns. This also was no representation, nor any thing like it. Another set of boroughs and towns, claimed to themselves the right of bringing their votes to market. They had no other market, no other property, and no other stake in the country, than the property and price which they pro-

cured for their votes. Such boroughs were the most dangerous of all others. So far from consulting the interests of their country in the choice which they made, they held out their borough to the best purchaser; and in fact, some of them belonged more to the nabob of Arcot, than they did to the people of Great Britain. They were towns and boroughs more within the jurisdiction of the Carnatic, than the limits of the empire of Great Britain; and it was a fact pretty well known, and generally understood, that the nabob of Arcot had no less than seven or eight members in that house. Such boroughs were manifestly sources of corruption: they gave rise to an inundation of corrupt wealth, and corrupt members, by which no interest of the people of this country was promoted; and such boroughs ought to be abolished.

Mr. Pitt proceeded to remark, that there was no man in that house who had more reverence for the constitution, and more respect, even for its vestiges, than himself. *But he was afraid, that the reverence, and the enthusiasm, which Englishmen entertained for the constitution, would, if not suddenly prevented, be the means of destroying it; for such was their enthusiasm, that they would not even remove its defects, for fear of touching its beauty.* He admired the one so much, so great was his reverence for the beauties of that constitution, that he wished to remove those defects, as he clearly perceived, that they were defects which altered the radical principles of the constitution; and therefore, it would not be innovation, but recovery of constitution, to remove them. That a reform of the present parliamentary representation was indispensably necessary, was the sentiment of some of the first and greatest characters in the kingdom: and he should also take the liberty to observe, that he well knew it to be

the sentiment of his much honoured father, the late Earl of Chatham. His lordship was firmly of opinion, that a reform of the representation was absolutely requisite for the security of the liberties of the people of this country. He concluded with moving, “ That a committee should be appointed to enquire into the state of the representation in parliament, and to report to the house their observations thereon.” The motion was seconded by Mr. Alderman Sawbridge.

Sir George Saville zealously supported the motion, and declared it to be his opinion, *that the house might as well call itself the representative of France as of the people of England*; for the measures of the late ministry had certainly received the sanction of that house, although they had as universally been reprobated by the country at large. He had a large tree, he said, growing some time since on his estate, which bore many green leaves on the trunk of it, and seemed to be in a flourishing state; but, on looking at the tree there appeared a hole or two, which he looked farther into, and, on a close inspection, he found the tree was rotten within; the inside was mere touchwood. He had the rotten part dug out, and now the tree formed a commodious place, in which a dozen persons might dine with pleasure. He compared the present constitution to this tree; it appeared sound, but on an inspection it would be found like the tree, rotten at the heart. The nation was certainly in a very bad state, though a more equal parliamentary representation might contribute to remove some of the public evils.

The motion which was also supported by Mr. Fox, was lost, 161 to 141.”

No. III.

THE Reader is requested to compare the following Extracts with that passage which the Attorney General read from the *Address to the Inhabitants of Newark on a Parliamentary Reform*.

“ Do we not know, sir, that many of our little boroughs are already become so venal, that their brokers, or rather their pimps, deal as openly for the sale of them as bawds for that of a prostitute.”

Sir William Windham's Speech on a motion to limit the number of Officers in his Majesty's service from sitting in the House.—*Gent. Mag.* Vol. X. p. 652, 1740.

“ Seats are let to hire, like stalls for cattle at a fair.”

Mr. Horne Tooke's Petition to the present Commons.

Dr. Swift's Letter to Mr. Pope, dated Jan. 10, 1721.—
“ As to Parliaments, says the Dean, I adore the wisdom of that Gothic institution which made them annual, and I was confident our Liberty would never be placed on a firm foundation until that ancient law was restored among us; for who sees not, that while such Assemblies are permitted to have a longer duration, there grows up a commerce of Corruption between the Ministry and the Deputies, wherein they both find their account, to the manifest danger of Liberty; which traffic would neither answer the design nor the expence, if Parliaments were elected once a year.”

“ Necessity has been the mother of the most essential improvements in the constitution. If our ancestors had been so tenacious of old establishments, as never to have made trial of a new institution, what would have become of our liberties? We need not, from any superstitious re-

verence for the wisdom of our ancestors, be afraid of innovation. When reason, and the principles of the constitution, sanction a Reform, must we be deterred by mere names? JUDGES may be credulous—may err—nay, it is *possible*, they may be *corrupted* !”

Mr. Wedderburn's (now Lord High Chancellor) excellent Speech in favour of Serj. Glynn's motion to restrain the power of the Attorney General. See London Museum, 1771.

“ The monstrous injustice and glaring partiality of the present representation of the Commons of England, is almost universally acknowledged ; policy, no less than justice, calls our attention to this momentous point ; for, without a true representation of the Commons, our Constitution is essentially defective, and our PARLIAMENT, a DELUSIVE NAME, a mere PHANTOM.

Wilkes's Speech in Parliament, March 21, 1776.

The representation which in England is but a mockery, in Scotland does not bear even the semblance of a real representation.—*Lord Sempill's Address to the Public.*

“ They who will not conform their conduct to the public good, and cannot support it by the prerogative of the Crown, have adopted a new plan. They have totally abandoned the shattered and old fashioned fortrefs of prerogative, and made a lodgment in the strong hold of parliament itself. If they have any evil design, to which there is no ordinary legal power commensurate, they bring it into Parliament. *There the whole is executed from the beginning to end, and the power of obtaining their object absolute ; and the safety in the proceeding perfect ; no rules to confine, nor after reckonings to terrify.* For Parliament cannot, with any great propriety, punish others, for things in which they themselves have been ACCOMPLICES. Thus, its controul upon the executory power, is lost ; be-

cause it is made to partake in every considerable act of Government and impeachment, that *great guardian of the purity of the Constitution*, is in danger of being lost, even to the idea of it. Until this time, the opinion of the people, through the power of an assembly, still in some sort popular, led to the greatest honours and emoluments, in the gift of the Crown. Now the principle is reversed, and the favour of the Court is the only sure way of obtaining and holding those honours, which ought to be IN THE DISPOSAL OF THE PEOPLE.—The distempers of Monarchy, were the great subject of apprehension in the *last century* : in *this* the distempers of Parliament.—The people ought to be *excited** to a more strict and detailed attention to the conduct of their representatives. Standards, for judging more systematically upon their conduct, ought to be settled in the meetings of counties and corporations, and frequent and correct lists of voters, in all important questions, ought to be procured.

“ By such means, something may be done, since it may appear who those are, that, by an indiscriminate support of all administrations, have totally banished all integrity and confidence out of public proceedings ; have confound-

* The SPIRIT of the People must frequently be roused in order to curb the ambition of the Court, and the dread of rousing this Spirit must be employed to prevent that ambition. Nothing is so effectual to this purpose as the LIBERTY OF THE PRESS, by which all the learning, wit, and genius of the Nation may be employed on the side of Freedom, and every one be animated to its defence. As long, therefore, as the REPUBLICAN part of our Government can maintain itself against the Monarchical, it will naturally be careful to keep the Press open, as of importance to its own preservation.

HUME, on the Liberty of the Press.

ed the best men with the worst, and weakened and dissolved, instead of strengthening and compacting the general frame of government.

“ All other plans that are of a palliative nature, have been found insufficient to interest, and animate the great body of the people, from whose earnestness alone, any reform can be expected. A long exclusion from any share in the Legislature of their country, has rendered the great mass of the people indifferent, whether the monopoly that subsists, continues in the hands of a more or less extended company ; or whether it is divided by them into shares, of somewhat more or less just proportions. The Public feels itself unconcerned in these contests, except as to the oppressions it suffers, and the exactions it suffers, which it knows must continue so long as the people remain deprived of all controul over their Representatives.

“ The lesser Reform has been attempted with every possible advantage in its favour, not only from the zealous support of the advocates for a more effectual one, but from the assistance of men of great weight, both in and out of power. But with all these temperaments and helps, it has failed. No one proselyte has been gained from corruption, nor has the *least ray of hope* been held out from any quarter, that the House of Commons was inclined to adopt any other plan of reform. The WEIGHT OF CORRUPTION has crushed this more gentle, as it would have defeated any more efficacious plan in like circumstances. From that quarter, therefore, I have nothing to hope, IT IS FROM THE PEOPLE AT LARGE THAT I EXPECT ANY GOOD ; and I am convinced, that the only way to make them feel that they are concerned in the business, is to contend for their *full, clear, and in-*

disputable right of universal representation."

BURKE'S *Thoughts on the present Discontents. Speech upon the Reform of the Royal Household.*

" But the House of Commons are corrupted and bribed!—And if the nature of such an Assembly demands to be corrupted in order to pursue the public good, who but a visionary can wish to remove corruption ?

YOUNG'S *Example of France, a Warning to Britain.*—Page 92.

" Influence, or, as Reformers call it, corruption, is the oil which makes the machine of government go well."

" EXTRAVAGANT COURTS, SELFISH MINISTERS, and CORRUPT MAJORITIES, are so intimately interwoven with our practical freedom, that it would require better political anatomists, than our modern Reformers, to shew, on fact, that we did not owe our liberty to the identical evils which they want to expunge."

YOUNG'S *Example of France, a Warning to Britain.*—Page 171.

A bold, animated, and masterly writer, commenting on this passage, says, " Could the whole National Convention more grossly Libel the King, the Ministers, and the Parliament of this country ?"

Peace and Reform.—Page 52.

And yet this gross Libel, this sarrago of Toryism, is *functioned* and WARMLY AND PUBLICLY RECOMMENDED by Mr. REEVES and his *Constitutional Associates!!!* When the reader compares these passages with that passage in the "*Address on a Parliamentary Reform*," so much commented upon by the ATTORNEY GENERAL, I persuade myself he will instantly pronounce this *loyal* effusion of Mr. YOUNG'S, the most barefaced and libellous attack on the Constitution he has ever met with, and as far exceeding the "*Address, &c.*" in *political guilt*, as the meridian sun exceeds in splendor the foggy vapour of the

night.—I imagine the reader will also be led to conclude, that as *I* have been so severely sentenced for my *crimes*, that *justice* has been done to Mr. YOUNG in the *same proportion*, according to the superior enormity of his offence, and that he is now doing penance for his political sins in some gloomy solitary dungeon.—No such thing! For HIS *patriotic* exertions, he has been rewarded with a present of a ROYAL RAM—whether it had a GOLDEN FLEECE or not, I will not take upon myself to decide; but certain it is, that he at this moment holds a very lucrative post at the New BOARD OF AGRICULTURE!—Had my LIBELS been *equal* to Mr. Y's. perhaps I should have been appointed PRINTER TO THE ——— !!!



ERRATA.

Page 5	Line 14,	for <i>those</i> , read <i>these</i> .
6	27,	for <i>affociating</i> , read <i>associate</i> .
9	17,	for <i>received</i> , read <i>receive</i> .
9	21,	for <i>have</i> , read <i>had</i> .
12	25,	for <i>questlions</i> , read <i>questions</i> .
18	23,	for <i>knowing</i> , read <i>beleiving</i> .
39	17,	for <i>bijond</i> , read <i>beyond</i> .
70	12,	dele the word <i>as</i> .
74	28,	for <i>Nottingham</i> , read <i>Sheffield</i> .
75	26,	for <i>National</i> , read <i>Nat'onal</i> .
77	2,	for " <i>by one Year of Imprisonment</i> ," read <i>one Year's</i> <i>Imprisonment</i> .
77	3,	dele the words, " <i>and by an additional fine of thirty</i> " <i>pounds</i> ."
77	5,	for <i>twenty</i> , read <i>one hundred</i> .

✍ The AUTHOR's confinement in NEWGATE, at so great a distance from the Press, he trusts will be a sufficient apology for the above, and various other typographical inaccuracies which occur in the preceding pages.

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